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ABSTRACT

This document presents the transcript of an August 2000 Congressional hearing in Tennessee on school discipline and the Individuals with Disabilities Education Act (IDEA). An introductory statement by the Chairman of the House Committee on Education and the Workforce urges full funding of IDEA and introduces continuing problems with the disciplinary provisions of the Act, especially the dual-discipline mandate. Statements are then included from the following individuals: Vernon Coffey, Commissioner, Tennessee Department of Education; Jamie Hagood, Tennessee State Representative; Charles Lindsey, Superintendent, Knox County (Tennessee) Schools; Jamie Baird, Teacher, Jacksboro (Tennessee) Middle School; and Angie Irick, mother of a 10-year-old student in Knoxville (Tennessee). Appendices present the written statements of all the speakers. (DB)

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IDEA AND SCHOOL DISCIPLINE

ED 466 052

HEARING

BEFORE THE

COMMITTEE ON EDUCATION AND THE WORKFORCE HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

HEARING HELD IN CORRYTON, TN, AUGUST 24, 2000

Serial No. 106–117

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EC 309019

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FIELD HEARING ON THE INDIVIDUALS WITH DISABILITES EDUCATION ACT AND SCHOOL DISCIPLINE

Thursday, August 24, 2000

House of Representatives,
Committee on Education and the Workforce,
Washington, D.C.

The Committee met, pursuant to call, at 1:05 p.m., Gibbs High School, Corryton, Tennessee, Hon. Bill Goodling, presiding.

Present: Representatives Goodling, Hilleary and Duncan.

Chairman Goodling. I want to thank everyone for joining us today as we examine some issues dealing with IDEA. I am particularly pleased to be here with Congressman Hilleary. He is a great addition to our committee, and we need all the great additions we can possibly get. It is also good to be in Congressman Duncan's district. I guess I slept in his district last night.

Mr. Hilleary. Probably so.

OPENING STATEMENT OF BILL GOODLING, CHAIRMAN, COMMITTEE ON EDUCATION AND THE WORKFORCE, WASHINGTON, DC.

Chairman Goodling. Probably. Both have been very, very helpful, particularly in our crusade to do something about funding of special education. For 20 years, sitting in the minority, I pleaded and pleaded and pleaded to do something about the promised 40 percent of excess costs coming from the federal level. I guess the only person's ear I could get at that time, 20 years ago, was Congressman Kildee.

Congressman Kildee and I fought that battle for a long time. Fortunately, since I have become chairman, we have been able to get funding up from about six percent. By the end of negotiating, I think this year will probably be more like 15 percent. We still have a long way to go to 40 percent, but that is so important and so critical.

We authorized first in 1975, that was my first year. I think the goal of IDEA, of course, is an excellent one. Every child should have the opportunity to receive a quality education, and I know that teachers and administrators have that same goal. However, I understand that schools need additional funds to make the goal a reality, and need other additional help.

My first shot at re-authorizing special ed five years ago, we had very little support so we did not go ahead with bringing it to the floor of the House. And so I said to all of the people involved, okay, you get in a room and you see whether you can come up with something worthwhile. I want all of the disability representatives there, I want someone representing teachers, someone representing administrators, somebody representing everybody that is involved. And I understand they had some knock-down, drag-them-out arguments.

I believe that the disability community did a little bit better in that confrontation than perhaps all of the other representatives that were there. I think we have made some remarkable changes that we really will not know how effective they were, because it took the Department of Education two years to write regulations in relationship to what it is we re-authorized. First they sent us something that both sides of the aisle did not believe represented what we re-authorized, and now it will take a while to see how all that plays out.

We have to find a way to ensure that all children are held accountable for their behavior, and for children with disabilities who misbehave, we must take into account their disability, but at the same time, we must make very, very sure that we are consistent with our discipline. I believe one way to help children with disabilities avoid behavior problems is, first of all, to develop appropriate education-related services in our plan for each child, to see whether there are not things we can do to modify behavior patterns. But no matter how much money we come up with on the federal level, if we cannot stop over-identification, we will never get to 40 percent. And when I say over-identification, as I travel across the country, I am thoroughly convinced that there are so many youngsters who get into special education because of not being reading-ready when they arrived in school, and then they become a life-long resident of a special education program.

I hope to live to the day when no child enters first grade unless they are reading-ready. I do not know whether I have enough years left at 72 to make that or not. That is our whole purpose of Even Start. As I told some people, I created the Even Start program, not because it was some brilliant idea I came up with in 1985, it was because as a superintendent of schools many years before. I said to an early-childhood specialist, we know every parent in the district who has not graduated from high school. We know every older brother and sister in the district who has not graduated from high school. Is there not something we can do to break that cycle? And she said, yes, let us go out into the homes of the three and four-year-olds and work with the parent and the three and the four-year-old at the same time, and I will guarantee you, you will break that cycle. So that is what Even Start is all about. But it took us so long to understand that you have to deal in family literacy if you are ever going to break the cycle. You cannot break the cycle without dealing with the entire family. Somebody in that home has to be the child's first and most important teacher, and they have to be prepared to do that.

So I came to Congress, having been through what all of you have been through, a teacher, a coach, a principal, a superintendent, and school board president. I learned more about being a superintendent by being a school board president than any other program I was entered in, simply because I discovered that there are nine school board members, if I convinced five of them that whatever I want to do is their idea, I cannot lose. If you do not take credit, do not want credit for what you do, that is the route to go.

So it worked out pretty well.

But I am extremely pleased to be here with Congressman Hilleary. I have been counseling him the last couple months because he was taking that big step, and of course, I have had 40 years experience of that big step.

See Appendix A For The Written Statement Of Bill Goodling, Chairman, Committee On Education And The Workforce, Washington, DC

Mr. Hilleary. You might tell them about the big step.

[Laughter.]

Chairman Goodling. So again, I now want to recognize Congressman Hilleary, and again, we are pleased to be in the district with you. Hopefully what you give us today will be very helpful in the reauthorization which will come back up again next year. And it is your feedback that helps us make those decisions.

Congressman Hilleary.

Mr. Hilleary. Mr. Chairman, thank you, and thank you for bringing the field hearing to my neck of the woods. Gibbs High School is the only high school in Knox County that I represent, and I am awfully proud of it. I come here fairly often and talk to the students and talk to anyone that is interested in having a give-and-take discourse on education, what we are doing, what we are not doing, what we should be doing, and what we are doing wrong. And so thank you for providing this forum.

Mr. Goodling has been a real hero in this process of trying to find a way to help these younger students, using his background in education to come up with a way to bring them up. And Even Start is his baby, so to speak. Bring them up to where they have a chance to learn when they walk through that school door, everybody having an equal chance to start out. So I am awful proud to serve on your committee, and thank you.

The big step I just took was getting married, and he has been counseling me on that for a while.

[Laughter.]

Mr. Hilleary. That is an education process in and of itself, but I will not get off on that.

I want to thank the Principal, Jim Pryor, for letting us have this facility today, and thank Gibbs, all the personnel here, students and faculty and staff, for your support for this field hearing. And I want to thank the witnesses, who I will talk about a little bit more later.

I should also recognize, before I start my statement, Bill Snodgrass who is with Congressman Bill Jenkins' staff. He is the staff director here in Tennessee. Thank you, Bill, for coming by. We also have Mike McMillan, the local county commissioner was in the hallways a while ago. He may have stepped back out. I thank him for being here. And also, I also want to recognize Nick France a while ago and I do not know if Ashley

Wyrick is in the crowd or not, but they are on my team board. I have a junior and a senior from every high school in the 22 counties that I represent, and we have a chat room discussion about once every six weeks or so. I do not know that I had ever met Nick, but I knew his name immediately when he introduced himself to me a while ago from that chat room. I am so glad to see you all here.

Many of us have been trying very hard for a while to increase funding for education, but get the funding spent right down here in the local school systems. And since Mr. Goodling brought up my wife, you know, she is getting a masters at UT in education. And she is presently student teaching among kindergartners. And as you can imagine, when she is around that many five-year-olds, she has all these cute stories she comes home with and talks to me about. But every once in a while she comes home with a sad story, too.

The other day she came home with a story about a five-year-old little girl that had just grabbed onto her leg and just would not let go. I mean, just would not let go, and after a while, it was a little awkward. And finally she pried her loose and went to the teacher and said, what was the background of this little girl and what did the teacher know? And the teacher said, yes, her parents just divorced, and they had to divorce because the daddy was molesting that little girl.

Well, I mean, that is a perfect example of the fact that the school systems at the local level have had to absorb an awful lot of things, and still try to teach children. Now the long-term solution is to try to recreate societal values, so that you do not hear stories like that all that often. But that is a long-term process.

In the meantime, we cannot lose a generation of children. And the best way to help them is to try to provide more resources for those teachers who are fighting that battle with those students that are less ready to learn, maybe, than they were on the average a year ago, and help them with that funding. But we do not want the funding to stop in Washington, D.C. We do not want the bureaucracy in Washington to chew up all the funds. They presently chew up about a third of the funds that we appropriate for education. Well, that is a bit ridiculous.

So we want the funding to come down here. We want to give local folks more flexibility, which is kind of a segue into the IDEA legislation. It was passed many years ago, and it was a typical thing that the federal government used to do, which was to place an unfunded mandate on local county governments and then make them all look like jerks when they have to raise taxes because we mandated that they do something, and we did not send the funds to do it. And at the time, the federal government promised to fund 40 percent of this program. Well, we funded a very small fraction of that, and over the last several years, since we have been in charge and since Mr. Goodling has been the chairman, we have increased that funding by a lot, but we have a long way to go to get to that 40 percent.

And Mr. Goodling has led the charge and I was happy to support the legislation to fix this funding problem. It will have to be over the next several years, but put legislation on the books that says we will go up to 100 percent of our promise, which was 40 percent of the total funding over the several years, this will be about $2 billion increase each year. So we support this important increase in funding. And our ultimate goal is to have full

funding for the federal government's share of IDEA.

But we also think that that is a win-win-win, because once that is fully funded by the federal government, the money that the local school systems have had to use to fund that mandate from the federal government is then freed up for something else. It is freed up for school construction, it is freed up for teacher salary increases, it is freed up to buy that extra aid or that extra reading teacher or whatever. Whatever that local school system thinks it needs the most. If they think they need metal detectors in some places, it is freed up for that. I think it is a win-win for everybody.

But finally, when we talk to teachers, and we talk to various educators and administrators, one thing that always comes up with regard to IDEA legislation is the fact that it is structured in such a way that teachers' hands are often tied when it comes to disciplinary measures in the classroom, especially with students deemed to be IDEA students.

And so our goal is to walk that tight-rope, and come up with, you know, wording in legislation that protects disabled children, and protects their right to have a good education. At the same time the legislation needs to protect the teachers from lawsuits, protects school systems from lawsuits and protect other students so that their classroom experience is not disrupted to the point where they cannot learn as well. It is a balancing act, and I am not sure we are quite there yet.

Back in 1997, we made some improvements with regard to the disciplinary measures, but I do not think we got there, based on many conversations I have had with many teachers since that time. Someone once asked me, why are we doing this? Well, so that we can hear from experts who are actually down here waging the battle of trying to teach Tennessee children, so that we can take that back and make that part of the input into the overall process of trying to get to where we need to be with this legislation.

And so with that, Mr. Chairman, I thank you for being very liberal with the time on my opening statement. And with your permission, since I am very familiar with most of these witnesses, if you will let me introduce them, I would appreciate that.

Chairman Goodling. I would be happy to have you do that.

Mr. Hilleary. Thank you, sir.

First off, let me just start out with Dr. Vernon Coffey who is the Commissioner of Education, the Department of Education in Tennessee, the state of Tennessee. He is, until he moved to Nashville, a constituent of mine up in Granger County, and a friend, and doing a super job. And he has a doctorate in education administration and supervision from East Tennessee State University. And I thank you for your service and for you being willing to come here today, Dr. Coffey.

Dr. Charles Lindsey, to Dr. Coffey's right, is the Superintendent of Knox County Schools, and a former kindergarten teacher. I saw you react when I talked about my wife there. A principal, a school board member, he has a broad background that he brings to his present job. And in 1993, he was chosen as the Tennessee Superintendent of the

Year. So we thank you for your service and for being here today, Dr. Lindsey.

On my immediate right, we have State Representative Jamie Hagood. She is in her first term and she is new to the war in Nashville, but not new to a lot of the problems that we will be discussing today. I wanted someone for this field hearing who had not been there forever, who had fresh outlook on things, both here at home and in Nashville. She sits on the Education Committee in Tennessee's General Assembly, and is also a special friend of mine. She is truly a rising star here in Tennessee. Thank you for being here.

Finally, Jamie Baird is a teacher and a constituent at Jacksboro Elementary School in Campbell County, and is one of those teachers that is dealing with this high-wire act of trying to teach all the students in her class, the ones that are IDEA students as well as the ones that are not, and dealing with some of the problems that I mentioned in my opening statement. And I thank you for being here, very much.

And finally, Ms. Angie Irick. We wanted someone from every part of this education process, all the way from the commissioner to the superintendent, to a teacher, to a state representative, to a parent. Ms. Irick is the mother of a 10-year-old child with special needs. And her child attends Red Oak Elementary School, which is also one of the schools in part of Knox County that I represent. And I thank you very much for adding a very important perspective on this overall testimony today.

So thank you all for being here. And I guess, Mr. Chairman, that is it, I will turn it back to you. Thank you.

Chairman Goodling. Thank you. I should introduce the staff, because if you want to talk to the people who really make things happen, the majority staff member behind me, is Krisann [Pearce], and Alex [Nock] is sitting back here representing the minority. Incidentally, I am counseling him at the present time. I only have until November, so hopefully I will do that well.

I should have mentioned that early on we talked about how much additional money, and when I looked at Representative Hilleary, Coffee County, for instance, would get an additional $1 million each year, if we were funding at 40 percent of the national average. The national average at the present time is $6,300 per student, and if you take 40 percent times that, you will get about $2,600. And at the present time you are probably getting about $800. So it would be a big difference. And when I looked at Campbell County School District, they would get an additional $1.6 million, and Knox County School District would get an additional $15 million. So that ain't peanuts, as they say in York County.

Let me first call on Dr. Coffey. Generally we say five minutes, do your best and we will not be banging the gavel, but give us time to ask questions. Dr. Coffey.

STATEMENT OF DR. VERNON COFFEY, COMMISSIONER, TENNESSEE DEPARTMENT OF EDUCATION, NASHVILLE, TENNESSEE

Mr. Coffey. Thank you, Chairman Goodling. Congressman Hilleary, Representative Hagood . . . .

Chairman Goodling. Do you have a microphone? Is that a microphone behind you?

Mr. Coffey. How is that?

Chairman Goodling. That is good. At 72, I need a little amplification.

[Laughter.]

Mr. Coffey. it is a pleasure to be here today to, I guess you would call witnesses or give testimony, or whatever we are going to be called here today. I was aware of the five minutes, and I will try to stay within the five minutes, and if I do go over, you can feel free to bang the gavel on me as well.

I guess there are a lot of things to be said about special education from the state's perspective, but as commissioner, you have an opportunity to talk with parents and teachers and with advocacy groups and all those folks that are involved with special education throughout the state of Tennessee. Three issues that I will discuss just very briefly, safety, discipline and, of course, funding.

We have tried in the state of Tennessee to be proactive as it relates to safety and discipline of all kids in Tennessee. We believe that it is better to try to prevent discipline problems than it is to try to treat the problem once it is there. So we have had our consultants, as they go statewide, not only to the school system but the individual school, individual classes, talking about preventive measures for discipline in Tennessee schools, and also for preventive safety measures in Tennessee schools.

In our school improvement plan, we have sent consultants statewide talking with teachers, principals, and also student groups in trying to prevent forms of discipline we think is not necessarily related to the behavior of the child because of the condition. We have school-wide programs for that. We have done that for the past couple of years. We have individual support groups within the schools that are working with these groups to help promote safety issues, and also discipline issues.

We feel like, as the old saying, an ounce of prevention is worth a pound of cure when it comes to working with kids with safety issues and also with discipline. We do not believe necessarily that the traditional cameras, traditional metal detectors are the answer to safety in school. We think it has to start with the parents and the teachers involved with trying to change behavior of the students. And that involves all students, not necessarily just the ones that have disabilities.

We have used the functional behavior assessment as is required with the IDEA in 1997 to assist schools to try to build positive behavior support programs. As emphasized, this is the value needed as we try to change the behavior students.

In the reauthorization of 1997, Congress recognized that in certain instances school districts need increased flexibility to deal with discipline-related kids with disability. However, school administrators throughout the state are quite perplexed of how we handle discipline, when we must provide a child with a disability who is removed from school when their behavior was not a manifestation of the behavior. We must provide a service for that child. We are not required to provide a service for the child not receiving special education. That is hard to explain to educators, hard to explain to parents, particularly the parents whose child is not regarded as a disabled child.

On the funding issue, which you have already touched on earlier, initially, it was expected that we would receive funding at a 40 percent level. To date, special education is funded at approximately, as you stated earlier, around 12 percent. We know and you know as well that should Congress provide funding to the states, as promised, available service to children with disabilities would increase significantly, put less burden on the state and local education agencies.

We have partnership service agreements now that we negotiated in 1999 with 11 school systems across the state to provide school-based planning and improvement in programs and services for all children, including the children with disabilities. And given the federal and state emphasis on school-based decision making, the state, through these partnerships, has tried to assist in expanding and strengthening the opportunities for school personnel to acquire the related skills and knowledge to support the local efforts to implement promising research-based initiatives for all children in Tennessee.

For the past two years, the Tennessee Department of Education has applied for a state improvement grant without success, and many stakeholders from across the state were involved in the planning process and devoted many hours to this process. The funding for state-level state improvement plans are funded under Part D of the IDEA and include the required comprehensive system of personnel development.

States that did not get approval for a grant were told that there was a minimal amount of funds available under Part D to support these systems and these changes. Therefore, the U.S. Department of Education and our Congress, if they expect states to fully implement IDEA, funds must be provided to ensure quality services are also provided.

So we strongly recommend consideration by the U.S. Department of Education and the Congress to expand the support to the states that continue to be unsuccessful in attempts to develop the state improvement grants. Proposals that we need some help as we prepare these grants that will help us meet the requirements of review panel scrutiny as they determine which states receive the grants.

In Tennessee, we have tried to fulfill our responsibility to ensure IDEA is implemented in programs and services throughout the state. We support the purpose of this law to ensure that all children with disabilities have available to them a free appropriate education that emphasizes special education and related services designed to

meet their unique needs and prepare them for employment and independent living.

We would ask that you assist us to ensure the effectiveness of efforts to education children with disabilities in the future as we prepare children for employment and for a future life. Help us with the grants. The funding is a critical issue, not only to Tennessee but throughout the country. We would ask your support as we try to address this issue.

Again, thank you for allowing us to speak today.

See Appendix B For The Written Statement Of Dr. Vernon Coffey, Commissioner, Tennessee Department Of Education, Nashville, Tennessee.

Chairman Goodling. Thank you. State Representative Jamie Hagood.

Ms. Hagood. Hagood.

Chairman Goodling. Hagood.

I must tell you, last night a gentleman at the hotel was telling me which street we were to turn on, and I needed you there to interpret it because this Pennsylvania Dutchman did not quite understand what he was saying. And then when I had him spell it, I really understood it.

[Laughter.]

STATEMENT OF JAMIE HAGOOD, STATE REPRESENTATIVE, KNOXVILLE, TENNESSEE

Ms. Hagood. Well, it is certainly a pleasure to be here today to testify before you. Chairman Goodling and Congressman Hilleary, on behalf of all of the individuals that I represent in south and southwest Knox County, as well as my colleagues in the State Legislature, I thank you for addressing this very, very important issue to so many families, educators and students all across the state of Tennessee.

You are going to be hearing today from true experts, from teachers, from parents, from administrators, and I am merely before you to express the concerns that I have heard from countless individuals all across my district, and before the Education Committee in the state, about their concerns with certain aspects of IDEA implementation. Specifically, because we are limited to five minutes, those I will deal with are with funding and also with the discipline aspects.

I know that you have heard already about funding, and my guess is that you will hear about it, again, again and again. I know that Chairman Goodling has fought tirelessly for full funding of IDEA, and as we have already talked about, the original promise was for 40 percent. And when we have worked, I guess it has been since 1995, there has been an 85 percent increase in funding for IDEA through the federal

government, and so we have got a long way to go. I want to thank you for all of your efforts in getting us to where we are, but we certainly have a very long way to go. And to sort of put that into a realistic perspective, I know that Jamie Baird is here, she is a teacher, and she can talk to you about specifics about what all of this entails. But I can give you a little glimpse at what increased demands on time, energy and resources that the implementation process really requires.

Specifically after 1997, there was an increased emphasis on accountability. And what that does is is more documentation, and sort of proving the process that a child is receiving a proper public education. A typical IE team meeting will last at least an hour, maybe an hour and a half and can go as long as three hours. Schools typically will convene an F-team meeting. That happens on a weekly basis and they usually involve a regular classroom teacher, a special ed teacher, as well as the principal. They can deal with several case loads, or possibly one, but that is going to last about a half a day.

A system that is going to be developing procedures, training staff, implementing all of the basic functions to implement this very complex IDEA process. I have a friend particularly who has just left special education and is now in the regular classroom because of all of the burdensome paperwork that she is having to deal with when she really wants to be educating her children in her classroom.

The special ed teacher is going to have between 25 and 40 children within their caseload. They have to meet with every child twice a year, and sometimes a case may require monthly meetings. So you have got an extensive amount of time and resource involvement. This certainly is incomplete. It is not even talking about notice requirements, all of the time and scheduling that you have to deal with. There is certainly a large amount of information that has to be compiled to properly document progress. If a local school district is going to spend 20 percent, which is the average, of their resources on special education, the vast majority of that is going toward implementation of the IDEA.

And I noticed that Chairman Goodling referenced talking about discipline, which is the second portion of what I wanted to talk about. He stated very clearly that we want to hold every child accountable for their actions. And one specific portion of IDEA 1997 brought in discipline, and it really mandated a dual discipline system. It created one system for special ed children and another system for the non-special ed children, which creates an enormous challenge for the educators and the families and the students that are involved in the process.

For example, if you have a child or an event that has two groups of students, the non-special ed and the special ed, and that there is some type of exclusion from school for over 10 days? Well, the non-special ed children are going to receive the disciplinary hearing, they are going to be disciplined and very likely be back in the classroom before the special ed child has ever had the opportunity to go before the disciplinary hearing. That is because the IEP team has to meet to determine if the event was a manifestation of the disability. And so you have got an enormous amount of time. Not only is it a fairness issue, when you are dealing with the same event, and the children involved in the same event totally separately, but there is a time issue that teachers and students have told me, and any parent or teacher can relate, there is a timeliness to consequences and discipline when you are talking about poor behavior. And so when you have two sets of

standards and a dual discipline system, it really creates challenges.

In conclusion, the IDEA has really come a long way to accomplishing the goal of improving children with disabilities in the general education and curriculum programming. However, to fulfill the funding promises of 1975 and also correct the dual discipline challenge that we have before us, it would greatly improve the managing role of education in the state of Tennessee, and I am sure all across the country.

And again, I thank you so very much for your time and for being here in Tennessee. We are thrilled that you are here, Chairman Goodling. Thank you.

Chairman Goodling. Thank you. Next we will hear from Dr. Charles Lindsey, Superintendent of Knox County schools.

See Appendix C For The Written Statement Of Jamie Hagood, State Representative, Knoxville, Tennessee

STATEMENT OF DR. CHARLES LINDSEY, SUPERINTENDENT, KNOX COUNTY SCHOOLS, KNOXVILLE, TENNESSEE

Mr. Lindsey. Thank you, Mr. Chairman, Congressman Hilleary and all members of the Committee on Education and Workforce. Let me both welcome you and thank you for coming, and let me also acknowledge the elected officials who oversee our school system, Knox County School Board members. And Ms. Diane Jablonski is here representing our board. If you would stand just a half a second. She is a grandmama and a mother and PTA life-long member and an advocate for children.

Before I get to the topic at hand, let me brag a little, since you are visiting one of America's great school systems. Knox County is home to approximately 52,000 children. They attend 51 elementary schools, 14 middle schools, 12 high schools and ten special facilities. We serve an urban, a rural and suburban population. Thanks to a staff of dedicated teachers, administrator aids, counselors, custodians, bus drivers, food service workers, and especially involved, caring parents, our students achieve great things.

If you compare us to the other big systems in the state, we fare very well. We spend less per student than they do, but we average 10 to 15 points higher on standardized tests. The Tennessee Department of Education recently put out a heads-up list of schools failing to meet state standards, schools that need to be improved or they are headed for probation and eventually being taken over by the state if they do not improve. Knox County was the only big system in the state that did not have a single school on the list. Not one.

In just the last five years, the value of scholarships offered to our graduating seniors has risen by almost $10 million to approximately $25 million. And the increases have come at virtually all of our schools. We are currently engaged with an effort with the community design and then create an international school district. That is an

ambitious goal, but we believe that we can do it.

Finally, let me brag on the school you are visiting. Gibbs High School is a wonderful facility, great teachers and an incredible, supportive community. This school pioneered computer-aided design, CAD partnership with TVA, that is a national model for innovation and achievement. Gibbs High School has produced a country music star, Kenny Chesney, and he will be here in the next couple of weeks to meet with the community and bring back Nashville music to our community. The Lady Eagles Softball Team has won the State Championship the last three years. It is a great school.

Once again, we are proud to have you in Knox County visiting Gibbs High School. And how I will address the topic at hand.

The school district appreciates the federal funds that it receives through the state for Part B and Part C usage. As with most funding issues, there just does not seem to be enough funds to accomplish the things educators would like to do for our children. Knox County has been fortunate in that it has been able to maintain a level of local monies so that we could use federal dollars to supply teaching assistance in the classrooms. We would not have been able to have these teaching assistants using only local and state monies.

In addition to the teaching assistants, Knox County has been able to use its federal monies as seed dollars to build programs for students. As little as five years ago, Knox County developed an evaluation process using, not only school psychologists, but also clinical psychologists, to evaluate students suspected of being seriously emotionally disturbed. Prior to using this process, the number of SED children identified was growing at an accelerated rate. The data clearly shows that from 1990 to 1995, there was a growth of 222 percent in this category. While from the introduction of the clinical team in 1995 to 2000, there was a decrease of 19 percent in this same category.

In addition to the seed money approach and the teaching assistants, Knox County has been able to purchase a computer and color printer for each special education teacher's classroom. That has made a very real difference.

Specific skill reinforcement, high order thinking skills and guided practice has had a very positive impact on student learning. We have also been able to use federal monies from the state to train our teachers and teaching assistants in a variety of program areas, such as autism, behavioral interventions, therapeutic crisis intervention techniques, and instructional programs. We have developed a special education teacher's storeroom stocked with materials that can be accessed more quickly than ordering individually by teachers. The storeroom processes allow us cost-effectively assist the teachers by making more materials available for the money.

Our training program is second to none in Tennessee, and we have consistently led the way in bringing nationally known experts into our district to train our staff. We offer at a considerable reduced cost training slots to other school districts in the areas such as autistic training, Picture Exchange Communication Systems and discipline workshops. We have purchased a wide variety of individualized teaching materials to attempt to address the individual needs of our disabled students.

As late as last year, the State Department of Education did an extensive monitoring evaluation of Knox County Schools Special Education Department. Do you know what they said? The state monitors said we were a model special education department and the very best in the state. If monies were available in a grant format, we would be willing to partner with higher education and regular education to develop a seamless curriculum for special-needs children that mirrors the regular education curriculum goals and objectives. We would like for the special in our title to merge with the regular education so that we are all working together for the needs of children.

The most publicized and sometimes most litigated area in special education is discipline. Until the IDEA 1997 reauthorization, discipline was not mentioned either in the law or in the regulations. The new language has created both positives and negatives, depending which vantage point you choose. There is no question that the dual discipline system is viewed as a considerable burden to school districts, and that to parents of regular education students it seems unfair. There is no question that the procedures outlined in the law and the regulations allow considerable abuse by those choosing to manipulate the system. The regulations, time frames, procedures all allow the system to be abused until it is almost impossible to effectively discipline disabled students if an attorney or an advocate is bent on manipulating the system. First, let me be very clear, no one wishes to punish or discipline a special needs or any other child who cannot help violating school's or societal rules. The problem is that the burden of proof that a special needs child can follow rules and regulations, and understand the consequence of his and her actions is placed upon a school district that is already overburdened with paperwork and legal documentation. When a child commits an offense, procedural safeguards must be tested at each step and for every person who comes in contact with the process. Abuse is available at every step.

To address the attack and abuse, I offer the lone question that is often posed or stated. If the child's IEP were appropriate and the services were being offered, then the child would not be violating school rules. This is truly noble, yet idealistic approach; however one that is presented as a defense almost daily by those who wish to attack the school system. We have children who commit acts such as drugs or weapons in school settings that may take as long as a year to go through the procedural issues before discipline can be effected. Most of us would consider this inexcusable. After a year's time, the student has no connection of the cause-and-effect of the disciplinary action. I implore you to realize that it is not the student with the pervasive disability that creates the majority of behavioral issues in the schools. It is the minimally identified student who, for the most part, creates the behavioral dilemma. A child who has a learning disability in written expression and who brings marijuana to school has taken almost a year to address the drug issue because of parents' use of the procedural safeguards.

We must be able to streamline and reduce the paperwork, or we will continue to lose educators from the field of special education simply because of burnout. We have had students who have pulled their attorneys' cards from their pocket and told teachers that the teachers cannot do anything to them because they are special education. As recent as last year, we have had students blatantly smoke cigarettes and marijuana in school halls and almost dare you to do anything to them. Can we continue the abuse to the process and have safe schools? I think not. We must protect students who truly are disabled and cannot control their behavioral issues, and not allow the others to abuse an already laborious and over-litigated process.

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In 1986, legislation gave attorneys the right to represent parents and to receive their fees from the school district if the parent were found to be the prevailing party. What has occurred is a shotgun approach to disputes and an adversarial process that creates emotional harm both to the parents as well as the school district. Talk to teachers who have been at IEP team meetings with attorneys present and ask the teacher if they went into teaching to experience that abuse and that fear. Look at the level of litigation prior to 1986 and since 1986, you will find a tremendous growth to the point that IDEA is the most litigated education law in existence. You fund advocacy groups who have attorneys as their employees. Surely if an attorney is needed for advice, then these advocacy groups that are already funded should be able to provide the necessary expertise and advice.

Let us make IDEA work the way the drafters of the original bill envisioned it in 1975. The drafters saw a team of parents and educators working together to provide programming for students. Take away the ever-present specter of what did I do wrong from the teacher who must worry about the dates and signatures on forms than what he or she is trying to teach the child. Remove the attorneys from the process until it goes to court, and require that it be funneled through one of the advocacy groups instead of the ambulance chasing.

Finally, let me talk about funding. When IDEA was first enacted in 1976, the promise from Washington was to pay 40 percent of the costs. More than a quarter century later, the best the federal government has ever done is fund 13 percent, even though everyone says there is a budget surplus. Representative Hilleary, let me pause and personally say, I appreciate you taking such a strong stand for fully funding IDEA. If the federal government funded its share, which is still less than half of the costs, even though you set 100 percent of the rules, it would have a huge impact on what we offer all our children. If you used the budget surplus to pay what you have already promised, it would pay out more than 15 million local dollars. It would mean Gibbs High School could have a distant learning center to access courses. It would mean that we could have art education in every elementary school in Knox County, all 51. We wanted to start it this year, the money was not available. It would mean we could begin putting foreign language instructors at elementary schools. It would mean we could pilot a birth-to-kindergarten program to reach children earlier. It would mean we could positively affect thousands of children all across Knox County. All it would take is for Congress to do what most of all of us always do, pay our bills and keep our promises.

Again, we appreciate the opportunity to speak to you and to present in this forum. If you have any questions later, I have brought Ms. Bobbie McGarrity, Assistant Superintendent of Supplemental Services, and Dr. John McCook, Director of People Personnel for our district. He works in our special education every day.

See Appendix D For The Written Statement Of Dr. Charles Lindsey, Superintendent, Knox County Schools, Knoxville, Tennessee

Chairman Goodling. Thank you. We were to take a five-minute break at 10 of, I believe, as the classes changed and that did not happen. I certainly want to introduce Congressman Duncan at this time and give him an opportunity to speak. I am fortunate enough to serve with two outstanding Tennesseans, and I also served with your father before you, Mr. Duncan. I go back a long way.

Mr. Duncan. Well, thank you very much, Chairman Goodling. And I do not want to cut into everyone's five-minute break here too much. Unfortunately, I had other things already scheduled before I found out about this hearing, so that is why I was late, and I want to apologize to some of the later witnesses because I am going to have to slip out in a few minutes. But I did want to come welcome Chairman Goodling, for whom I have always had the greatest respect. And it is just, I think, tremendous that you would take time out from your busy schedule. Unfortunately, Chairman Goodling is retiring from the Congress and we are going to lose a really outstanding member when he leaves. And also to express my appreciation and respect and admiration for my friend, Van Hilleary.

This is a very, very important issue. At the request of the Knox County School administration, about five or six years ago, I introduced a bill in the Congress to put some minimal limitations on the stages on which attorneys had to be used, because the then superintendent came to me and said, he was afraid this was going to break the public school system if things kept exploding, if the amount of legal fees kept exploding. And in fact, I remember I had to meet with the parents of the handicapped children at one point to explain what I was trying to do. And I just was saying, no, I wanted more money to go to the kids and less money to go to the lawyers. And I will say that I am appreciative that Chairman Goodling included some of the language from that bill in the 1997 reauthorization. He tried to do some things on the discipline end, in addition to the attorney's fees. I remember one time we had at Southfield High School, in Representative Hagood's district, a town meeting put on by the Southfield PTA. And all these teachers had told me, they have heard over and over again, I am special ed, you cannot do anything to me. You cannot discipline me. And that is not right.

And so we have tried to help out on this, but it still needs some more work, and that is what this hearing is about. And without saying anything more, I will just that I appreciate your being here, Chairman Goodling, and I am not on the Education and Workforce Committee, but Van has been a leader on that. And thank you for letting me come and participate and listen briefly to what Superintendent Lindsey and others have said.

Thank you very much.

Chairman Goodling. Thank you very much. Now we will take that five-minute break, and I will watch it very carefully so that it does not go beyond the five minutes or we may miss the plane, which will probably be delayed because on the way down we were delayed for two hours waiting for a pilot.

[Gavel.]

Chairman Goodling. We are now ready to hear from Ms. Jamie Baird, teacher, Jacksboro Middle School, Jacksboro, Tennessee.

STATEMENT OF JAMIE BAIRD, TEACHER, JACKSBORO MIDDLE SCHOOL, JACKSBORO, TENNESSEE

Ms. Baird. Thank you, Chairman Goodling and Congressman Hilleary and Congressman Duncan. And I may have to stand up, is that okay?

Chairman Goodling. That is fine.

Ms. Baird. It is just the schoolteacher in me, I guess.

[Laughter.]

Ms. Baird. And I am extremely nervous, I will just go ahead and tell you, because I am used to talking to six and seven-year-olds and not adults.

You already know that I teach in the public school system in Tennessee. I have taught in the same system for 15 years, and I find each year that teaching becomes increasingly difficult. Last year I was confronted with a child who has Central Auditory Processing Disorder. The best way I find to describe this is like you plug in a light socket and there is a short in it. It does not go back into the light the right way, sometimes you get the light, sometimes you do not get the light, sometimes you just get a flicker. That is kind of the way this works.

I had never heard of this disability and I was not trained or qualified to teach it. But based on this occurrence, I guess I am going to try to make three points today. The one is teacher qualification, one is fairness to all the students, and the third and final point will be discrepancy in the disciplining of all children.

As I said, it was a struggle last year for me to begin to teach this child without the knowledge I needed in this particular situation, so I studied ideas on how to teach disabled children. I studied at night, I studied at any time that I could find the time. I would get books. And I felt like I was slighting the other 17 children in my classroom. I have two degrees, one is in sociology and I have a masters in elementary education. Neither of these degrees prepared me for this battle that I was about to begin with this child. I talked to other teachers in my school and other schools around the state. They just feel that we are just not qualified for the mainstreaming that we are asked to perform. Some students' disabilities require a full-time aide with a child, but CAPD does not. We had no aide, but the child made some progress with one-on-one instruction. And I tutored him a couple of days after school each week. I tried sandpaper letters, I tried headphones, I tried repetitive reading, word-card association, I even tried covering one eye and put the words into the opposite ear that sometimes worked.

At the end of the year, first graders should around 200 words. He probably knew 15. And we were pushing it. He knew he was different, the rest of the children knew he was different. I tried to . . . you know, make him feel like he was a part of this classroom but it was hard when everybody knew what was going on. I decided to have him tested at school to see if he qualified for special services. This is where we ran into a problem, he fell right through the cracks of the testing. There is a 16-point discrepancy . . . this year in our county it is 24 points . . . between an achievement score and an IQ. His IQ was high enough that when he took the test he did not quality for anything. I decided that we would put him on a 504 plan. This focuses on the discrimination based on disability, because I thought he needed some relief from the strain that reading put on him. I do not always agree with the 504 plan because oftentimes it is misused when testing fails.

At this point, I ran into another problem. Why does this child get the same grades, sometimes better grades than other children who do more work? This did not come from the parents but from kids in the classroom who would sit by the child and who were his friends. Was this method of evaluation fair to normal children as well as disabled children?

Discipline was not a problem with this child at this time, but what if it does become a problem in the future? He may be disabled but he understands consequences and he is very successful with technical problems. I do not have the answers for all the IDEA problems, but I surely would like to find them, even if disability classrooms replace mainstreaming.

I guess my question, after I thought about all this was, are we being fair to everybody? Do not get me wrong, really. I do believe that every disabled and every disturbed child should be educated to the maximum of their potential. I just do not feel like mainstreaming is the answer to every situation because teachers are not qualified. It is not fair for all the children, and discipline should fit a wrongdoing, not a disability.

Thank you.

See Appendix E For The Written Statement Of Jamie Baird, Teacher, Jacksboro Middle School, Jacksboro, Tennessee

Chairman Goodling. Thank you very much. And now a parent, Ms. Angie Irick.

STATEMENT OF ANGIE IRICK, MOTHER OF 10-YEAR-OLD STUDENT, KNOXVILLE, TENNESSEE

Ms. Irick. Good afternoon. Thank you for the opportunity to speak today. It is good to be able to have your voice heard outside of the walls of the IEP room and the class. And forgive me, I have to read, I do not do this every day.

It will not take long to realize that I am not from Washington and I am not employed by the local state education system, or that I know very little about legislation and law. However, I would like for you to know, I am a career student. So far, I have a bachelors in mothering, a masters in special needs parenting and a Ph.D. in wading through the paperwork of the special education system. The classes I have completed so far include anxiety 101, advanced stress management and contemporary wallpapering with copies of the rights of children with disabilities I have received at IEP reviews. That is a joke.

[Laughter.]

Ms. Irick. Today we are going to focus on the children of our community and the state that wear the special education badge. My child wears such a badge because of his

blindness and developmental delays. To define special education, we must first define regular or normal education. It is my observation that our society defines normal as the capability level of the majority of our population. Capability level of persons with sensory, mobility, cognitive or emotional limitations quite often fall below the majority of our population and therein become included in the minority of our society.

In order for the special needs individual to rise above their level of independence, our society must administer and support programming for self-sufficiency at an early age. The information I share with you today is a culmination of nine school years in the public school system and five different school placements for my child. Through these years, I have witnessed or become aware of experiences from educational staff or parents in relation to special needs children within the public school setting. As a family, we have had our shares of struggles within the special education realm, but fortunately behavior has not been an extensive issue for us.

We have been able to develop positive relationships and placements for our child, due greatly in part to the IDEA requirements and standards. I believe that education, like charity, begins at home. By my actions and my expectations, I will influence my child's attitudes and behaviors.

It is human nature to take the path of least resistance and special education kids are no exception. To be an effective parent, I must understand my child's condition and limitations and realize I am my child's greatest teacher. Home is where learning begins, but considering we do not live in isolated compounds, we soon realize we have no idea how to help our children become the most productive member of society within their capabilities. When the reality of the future for our child materializes, parents scramble for support, encouragement and assistance. It is usually around this period we find out about IDEA and the world of special needs support. They desire to be advocates for their children's educational needs, but soon find the special education system can be a maze of complexities. Learning what the provisions of the law are and how the system works, what services and options are available, and what the rights of the parent and child are in the special education system can be very difficult and frustrating.

IDEA does a good job communicating to parents when their children are infants and preschoolers in preparation for the school experience. Oftentimes children survive and often thrive in the preschool setting due in part to the abundant staff. But what about kindergarten and beyond? The effects of low funding , budget restrictions and staff decreases begin to trickle in and the stress levels of the teachers, parents and the students begin to rise. In our society, it is apparent that children can be taught to believe just about anything.

Considering the early years are the most formative, especially for the special needs children, why do we spend so much time and money trying to fit unique children in cookie-cutter molds or isolating them from their peers? Why are our schools required to accept children who have been rejected by local mental institutions? In severe behavior cases, why do elementary schools not have the option of an alternative school where these children can truly benefit from specialized instruction? Would our classrooms benefit by making extra staff available to allow these children to collect themselves and reflect on their actions and possibly remain in class with their peers?

Do we really address the needs of all students, or do we allow funding to hinder our actions? Administrators and teachers many times feel options for corrective behavior are too few. Staff development classes are offered for behavior support plans but cannot be implemented correctly due to staff or aid shortage. Behavior support plans or other methods offered must be supported with resources to eliminate the perception of, looks good on paper but impossible to implement. Perhaps we should enforce more natural consequences when the behavior is determined to be unrelated to the disability.

If in severe behavior cases we have teachers leaving the classroom several times a day to correct or control a child in their room or assist another teacher in doing so, who loses the most? A special education child has now been pulled from the room in front of his peers and isolated and set up for ridicule. General education children have witnessed the experience and negative conclusions surrounding special-need individuals are formed, not to mention their missed instruction time. Was this really the best placement?

The teacher is the central figure in all education. Many feel they have little knowledge or training with regard to teaching the children of special education. Some are perhaps directly negative, others only confused and afraid. Still others overlook or overprotect the student. Classroom teachers often do not feel qualified in merging special-need children into their classrooms due to the lack of training or support.

Where do we draw the line between special education children's rights and the privilege of the general education children? Both are equally important. We never want to play tug-of-war between special education and general education systems or teachers, and we certainly do not want our children to become the rope.

With the many factors of special education and struggles with funding and discipline, the most promising practice, such as inclusion, are becoming harder and harder to efficiently implement and could be easily eliminated. It would be a tragedy to see integrated classrooms where general and special ed children learn side by side. Witnessing children being moved into lower-functioning classes due to insufficient staffing only enhances my fears of being a parent of a special-needs child. For some, children in this environment could promote non-value-added activities or restricted learning. Perhaps one day the general education children will work beside someone who was lucky enough to have received the IDEA funds and is productive in society. Hopefully attitudes were learned during their school experience to prepare them for diversity in the workplace.

Social interaction skills have been a frustration for my family as well as recreational opportunities. For students who are capable of communicating with peers, the need for social interaction is critical. Learning for the special ed child rarely is spontaneous or without great effort. If we can provide social interaction training for these children, how much more could they learn from peers versus large blocks of time spent in isolation, even when they are in a crowd.

In regard to recreation, opportunities are few and far between. Many times physical education teachers bounce from school to school, or simply do not have time to devote to adaptation. Recreation can be a bright moment in the stressful life of a special education child . . . to be accepted into a group, to understand teamwork and release anxieties and stress. The benefits from physical exertion are enormous, but quite often special education children are found sitting on the side or simply just standing there.

Many students feel bitterly isolated in school, far from feeling like one of the gang. They receive continuous confirmation that they are different.

We all feel a need to be a part of the social community. We would all like to be equal partners in a group where we may all take part and give and receive emotional support and practical help. Students do not need to be socially isolated nor do they want to be the subject of pity. That is regarded as inferior. We need to help them develop sound personalities where one's identity as a handicapped person is neither rejected nor becomes the overshadowing side of one's character.

Interpretation, interpretation, interpretation. In criminal law, interpretation can mean the difference between freedom, life in prison, or death. In relation to special education programming, interpretation can mean the difference between success, life of dependency or failure. IDEA local interpretation differs from the state interpretation, and state interpretation differs from the national interpretation. Children are denied services, technology or timely instruction due to interpretation discrepancies. I would like to see the issue become a priority to assist in communication of the PL 94-142 law and subsequent legislation authorizations.

We could wish for many things, that no one would need special education services, that there were enough funds, well-trained and committed teachers and so on. However, we must realize this is all in short supply. On the other hand, this must not prevent us from trying to improve environment, educational settings and lives of all children. The goal we must always keep in sight is independence, full participation and equality for the handicapped where appropriate. I believe that education is a vital weapon in the fight to achieve that goal.

Thank you.

See Appendix F For The Written Statement Of Angie Irick, Mother Of 10-Year-Old Student, Knoxville, Tennessee

Chairman Goodling. I want to thank all of you for your testimony, and I want to welcome the new students, the new class that has arrived. And to give you a little idea of what is going on down here, I am sure you have heard your parents say on occasion, where did the state legislature come up with that stupid idea, or where did the Congress come up with that silly idea. Well, oftentimes, we come up with those ideas because we have hearings all across the country, and we have hearings in Washington also where we hear all sides of the issue testifying, and then we try to bring together all the different opinions and see whether we cannot get something that will work. We know we are not going to get 100 percent of what this group wants, or 100 percent of what that group wants, but we try to somehow or other find a common denominator so that we can legislate in the best interests, in this case, particularly the best interests of children and people attending schools.

I have a couple questions. I guess the first I would go to Dr. Coffey. In 1997, we included some additional options for mediation in the process. I started out the reauthorization with the idea that there was going to be 100 percent mandated mediation. And as I just explained to the students, you have to compromise. So we did not get 100 percent mediation, but my hope was that we would not make the mistake that we make so often in Congress where we make attorneys extremely rich and we do not get a pay raise

out of that. And the hope was not to have the confrontation up front but, as a matter of fact, try to get the schools and the parents working together before we get into that confrontation.

With the new options, is there any improvement? Are parents using the mediation process more than before?

Mr. Coffey. Congressman, I have the Assistant Commissioner with me, Dr. Joe Fisher who is Assistant Commissioner of Special Education. He could probably better address that issue than I could, so if you would permit me, I would ask him to and address that issue.

Chairman Goodling. Very good.

Mr. Fisher. Thank you, sir.

The mediation system prior to 1997 in Tennessee was one that we already had in place. The mediation system was one that was working well, however after IDEA 1997, there was an increase in the support of that particular system, and there was more information and more training to parents and local school districts on mediation, and therefore, the mediation response has gone up tremendously and many, many disputes have been settled at the mediation table as opposed to going to due process. So there has been a substantial increase in mediation and it has been positive.

Chairman Goodling. Thank you.

Superintendent Lindsey, you spoke of the dual system of discipline. Can you give us some examples of how the discipline procedures have been abused or how non-disabled students perceive the dual system? Again, the second thing that I was trying to do when we reauthorized was to find some way to deal with the discipline situation. Because when it comes from Washington, it is usually a one-size-fits-all, and this goes back to Congressman Miller, who many years ago decided that we should suspend any student for one year if they bring a weapon to school. And of course, I said, wait a minute, you had better define a weapon, because there are all sorts of weapons out there. When I was a kid younger than these young men and women back here, of course, sticking the pigtail of the girl in front of me into the inkwell was pretty nasty stuff. And so he said, we will make it a gun. Well, of course, immediately a Democrat from Montana and a Republican from Wisconsin said, wait a minute, you are telling me all of our students who hunt on the way to school and hunt on the way home are going to get expelled from school for a year because their rifle is in the pickup truck so that they can hunt? That is the problem we get into when we make these decisions from Washington, D.C.

So I guess my question is a dual question, first of all, how do all students perceive a dual system and how do they deal with it?

Mr. Lindsey. Right. I think one of the first things you have to think of is in terms of philosophically before you start really trying to write things into law. And I think philosophically, as children come to school, there ought to be a circle of protection around them that says that it is my personal space. And in my personal space, I should have the right . . . and this is for regular ed, special ed children, that I should have the

right to learn. I should have the right to give. I should have the right to be protected from abuse of discipline, whether that is interruptions in the classroom, whether that is being fed well. But there is this circle that surrounds every youngster, and that should be very and distinctly protected.

I think whether it is regular ed or special ed, that some of these circles wind up not being protected and being intruded upon. Regular ed into special ed children, and special ed children behavior into regular ed children. And that before we start the business of legal and manipulation of the system, that we should all step back and say, these are our children. They are going to grow up, they are going to take our places and what can we do to prepare them for that?

Beyond that, I think from a specificity standpoint, I am going to just quickly ask Bobbie to . . . because she deals with it on a daily basis, to respond very quickly. I think that will give you some specificity of that. But that is philosophically the way that we are trying to take a look at it, that every child has a right, and that that circle should be protected and should be enhanced in every way possible.

Ms. McGarrity. Thank you.

A specific answer in terms of an example, I think you wanted, sir, of dual discipline. Eighteen months ago, Dr. LeCook, at one of our high schools, three students drinking vodka, one student was under the IDEA category of learning disabled, minimally with written expression. And it was very, very difficult in terms of the school community and the various parents, both from the two youngsters, the two high schoolers that were not identified special ed versus the one that was, in terms of the punishments and the consequences that came about.

Legal problems came into play with an attorney in terms of the one child, and at the end, two children were suspended for a long term, did not receive educational services. Both of those families did not have the monies for private school for the time their youngsters were out of school. The law is very clear that there is a continuation of educational services for the disabled youngster, if indeed, it is shown regardless of the manifestation or not. And we had a great deal of questions, and to be very honest with you, negative feelings that I wish had not been there from various school community folks as to the issue of fairness in terms of what is right and what is wrong in natural consequences with that.

Chairman Goodling. Thank you. We have two pieces of legislation that are not law at the present time in reauthorization process. The Juvenile Justice Act, where an amendment that was added to that bill, if it would become law, would indicate that you would treat all students the same if a weapon is brought to school or to a school function. There is also an amendment to H.R. 4141 the OPTIONs bill which, again, if it becomes law, which is part of the Elementary-Secondary Education Act, that would say that, no matter who the student is, if they bring drugs to school or sell drugs or are involved in the use of drugs, all would be treated the same. Of course, they have not become law at the present time, but that is some of the amendments that have been added to other legislation.

To both the teacher and to the parent, I would say, anything good happen with the reauthorization in 1997, in your estimation? I do not care which one goes first.

Ms. Baird. Well, like I said before, I think every child should be educated. And in our system, where I am, that is basically all we have. You know, this is all we have. I guess what I want to say is, maybe we should be more educated, you know. Not just like workshops and stuff like that, maybe we need to go do something that would help us learn, you know, how to do this job. Because as it stands right now, I really . . . I mean, I struggle with it, and I do not want any child to leave my room not being able to read. I mean, that hurts. When you give me a situation like that, I just really do not know what to do with it. So I think I need to be more educated.

Chairman Goodling. We can do two things to try to help you. Again, this is legislation that is in the works. One, in the Teacher Empowerment Act, if the Senate ever acts, gives you not only the opportunity to get, if you cannot get it locally, the kind of training that you think you need. You have an opportunity to take a voucher and get it where you can get it that will be helpful to you.

In my negotiating with the White House at the end of last year over this 100,000 teacher business, we made it very clear that you can use that money to better prepare existing teachers. You can use that money to hire special ed teachers, and you can use that money to reduce class size, but you have the options to do all of those things. And that was part of the negotiations with the White House last year. I am not sure it is well-known, but that is part of the negotiations that became successful, and I would hope will help local school districts.

Ms. Irick. Probably the only thing I would add would be to back up Ms. Baird. I have noticed the struggles within the school system. For teachers' aides or more teachers, or overcrowding in the schools, that is hard enough. And personally, there have been several teachers that have stayed late to help my child personally or another child. They realize that the needs are there and they want to fulfill them. They realize that funding is short. They are basically trying to do the best they can with what they have. I personally just do not think they have enough. And whether it is funding . . . if funding is the issue, then that needs to be the most important. They struggle, I think.

Chairman Goodling. Well, your Congressman is working hard with me to try to do something about that.

Ms. Irick. I know, and I appreciate that very much.

Chairman Goodling. Dr. Coffey, just the state of Tennessee, is an alternative education required if a student is suspended or expelled? Some states it is, some states it is not.

Mr. Coffey. It is.

Chairman Goodling. I am not talking about special ed now, I am talking about all students.

Mr. Coffey. It is required.

Chairman Goodling. It is required, an alternative . . .

Mr. Coffey. Except for students who are on the zero tolerance.

Chairman Goodling. Students that are what?

Mr. Coffey. What we call zero tolerance.

Chairman Goodling. Thank you.

Just one last comment, I guess. I get very concerned, because I do not think the expectations are high enough by parents, by teachers, by administrators, by members of Congress, for all students, which really bothers me. All those students back there could do far better, I bet, than they are presently doing, and we could demand more from them and get more.

I am reminded, particularly in special ed, because I have to use a personal illustration. My wife retired after 40 years of teaching first grade. Of course, she could not sit still, she just had to apply for every substitute job. The first call came from Baltimore. Well, you are in for a surprise, going from York Suburban to Baltimore. And the first thing was a special ed class for two weeks. And she came home night after night and said, nobody expects them to do anything. I said, what do you mean? I said, I am going to teach a lesson in coloring, and the two teacher aides said these kids cannot color. She said, I am the teacher and I will make that decision. And two days later the aides were saying, "look, they are coloring." Well, obviously. And then the next week she had third grade, the same story all over. She said, they think we are there to play. She said it took me two days to make them understand that I am there to teach and they are there to learn.

And I was afraid to ask how she did that, but I said, well, how did you get their attention? She said, well, I used the yard stick and I went up and down the rows smacking the yardstick on each desk. And I said, oh, Lord, if one of them would have bounced off and hit a child, Congressman's wife batters child, all over the city. Fortunately, that did not happen.

But expectations are so important, and extremely important in special ed, also.

Congressman Hilleary.

Mr. Hilleary. Thank you, Mr. Chairman.

I would direct the question to the whole panel, not just an individual. Anybody and everybody that wants to respond, please do.

One thing I know Dr. Lindsey talked about, I think I picked up on it, was defining who is "disabled." And I will be interested to know how we can change that definition a little bit. What specifically would you change?

But in addition to that, we had a little bit with Ms. Baird and Ms. Irick, a slight difference of opinion, I gathered, on the idea of mainstreaming in the classroom. Although neither one of you had an opposite opinion, but you are coming at it from a

little bit different perspective. What could we do? You know, as I said at the beginning, it is kind of a high wire act.

And a lot of times when I go around and talk to teachers, I hear a rendition of the problem, and it is like pulling teeth. I then say, now give me some renditions of what you think the solution might be. And then there is not much discourse at that point. I get an earful on the problem, and then when I am trying to find out, well what is the solution. I do not pretend to be the expert.

I mean, could you give us some specifics on, you know, regulations? Obviously, Ms. Irick said she could paper her walls with them, and I know there are too many. How do we protect the rights of the children who are disabled, protect the rights of all the other children to learn enough? And I am intrigued by the idea of needing more special training for that.

Anyway, please, anybody address any of those, and I am all ears

Ms. Baird. I think where we make a large mistake is that we just say this child is disabled, and we put it in a regular classroom. How disabled is this child? What kind of disability does this child have? Some disabled children can be mainstreamed, others cannot. It just . . . I do not think our criteria for measuring that is right. I think maybe it needs . . .

Mr. Hilleary. Who should determine that? I can guarantee you, if we decide that up in Washington, it will be messed up.

Ms. Baird. Well, am I right when I say . . . and I do not know the answers to all these questions, believe me. Am I right in saying that each state pretty much should set its own criteria for how that special education, their system works, or does Washington like pass it down to the states and the state to the counties? Is that the way it works?

Mr. Coffey. You have some flexibility with the state, but in most cases it is federal.

Ms. Baird. Well, Congressman Hilleary, I really do not know except, you know, this little boy that I had, like I said, had Central Auditory Processing Disorder. He is a beautiful child. He has bright eyes, he is a joy to have him in your classroom. It is just so frustrating that I cannot . . . and I do not know if anybody . . . I am not telling you that anybody could teach this child to read. I am not telling you that. But there is a difference in that child whose IQ was a little higher than a child, you know, whose IQ falls below that, but his achievement score was not 16 points, and so he gets . . . do you understand what I am saying there? Like when you test a child, their IQ is a certain point, their achievement score is a certain point. If they fall in the 16-point range . . . now it is 24, I think. If they fall in that range, they cannot receive services. The only option I had was the 504 plan. He fell right through the crack when he needed help. So something is not . . . it is not working right there. Now I do not know how to tell you . . . I mean, I do not know exactly what to tell you, because I am not, believe me, an authority on that. But I just hate . . . I hate it for him, you know, that I am all he gets.

Mr. Hilleary. So if we could just come up with a way to come up with more iterations in how we define disability.

Ms. Baird. Right.

Mr. Hilleary. . . . without creating more processes to go with each one of those iterations, it just becomes a mushrooming expense, and that would helpful.

Does everybody sort of agree with that or not?

Mr. Coffey. I think if we determined first of all, the physical or academic learning disabled, you have to, I think, separate those two, first of all. I think that Congressman Goodling, in his introduction, made a great point in early childhood education. I think we have a lot of students, learning-disabled students, particularly in early years, if they could have had available to them early childhood education, I think it would drastically reduce the learning disabled in the school. I am not talking about the physically disabled, the learning disabled now. I think that is a key we have got to look at nationwide, and Tennessee is not doing very much of that at all as far as addressing early childhood education from a state level.

We are serving 600 kids, as a matter of fact, with state funds. We are serving 1,200 with the funding we got this year. So if we are going to address the issue of learning disabled, we have got to start real early, three and four-year-olds. We know we have got programs out there in some places that do work. We have got statistics that show they are successful. We just need to do more of that as far as the learning disabled is concerned.

It also involves a culture change, and that is not easy to do, because there are problems, different sections of the state of Tennessee, in different counties, that we have to address issues specifically related to that county, as far as what is available for that child and the income of parents. All these factors built in to what I think determines a learning disability for children. I am not talking about necessarily the physical disabilities. There are some factors there as well.

But we can address the learning disability if we start early enough to do that, particularly with a large percentage of these students, I feel like.

Ms. Irick. I agree totally on the early intervention. It is the parents, I mean, that is who needs to be the advocates of the children, and you do have a hard time. There is a lot of parents that do not make that step and are not committed enough to that. But I agree, the earlier you start, you do not wait until have cancer five years and then try to fight it. It is the same thing. But a lot of that is to the parents.

The other issue we have had is with evaluation system, and I agree we need to evaluate the children. And the only handicap I can talk about is vision because that is what I deal with. There are no evaluations whatsoever that my child can be evaluated by accurately. It is always going to be an evaluation that was designed for the general education child. Well, you know, he has had those evaluations before and he came out mentally retarded. Well, it depends on your definition of mentally retarded to start with. I know he is behind, but I also know he can learn. And there was a little struggle to keep him out of LRE class, which would have taught life skills to him. And once we changed the placement, he has really progressed and is doing wonderful.

But that has been a frustration the entire time we have dealt with it, is evaluations. And the teachers try to help us, they research, there is nothing there. You cannot evaluate disabled children against the general . . . with general evaluations and expect to get it accurate.

The other thing is, do we have a behavior specialist? I know that we probably have somebody called that, or we have consultants. I do not know them, do not know anything about them, but are they available to be at the school? Are they present in the school, are they there to ask the questions? They have been trained. They know, you know, or they will offer the behavior management or . . . just like I was talking earlier, they are going to be trained on a teacher in-service. But then, you know, they are one teacher in a class of 18 or 20, and they cannot carry out a behavior management program alone; therefore, they need aides. They need somebody in there to help them, the way I see it.

Maybe you have . . . inside the school, you have a room that these kids can go to, especially in elementary school. Am I wrong that we do not have an alternative school for the elementary age, for the severely behavior problems or not? When they get in middle school, there is an alternative placement, right, but elementary, we do not have that, is that correct?

Mr. Lindsey. We do have a program that we have instituted in our school system called PAC. And it is a time-out, a time for children to have some services and a time to help.

Let me . . . Dr. John McCook spends a lot of time with parents and working parents through the school system's regs, and working with attorneys and advocacy groups. So I think he probably has an insight that might be helpful at this juncture.

Ms. Irick. Before he makes that comment, I am aware of the PAC, but it is only two days a week. So I am concerned on the rest of the week, too.

Mr. Lindsey. Yes, exactly. True.

Mr. McCook. A lot of what we deal with deals in terms . . . you mentioned training, for example. Colleges and universities producing regular educators who really do not have a lot of training and who do not receive a lot of the training in terms of being able to work with different types of children. We, as a school district, have done a lot of training on our own, as Dr. Lindsey mentioned earlier, in terms of . . . for example, we have a diagnostic classroom, an elementary diagnostic classroom where we place students in terms of technical disabilities.

Where we actually have some issues when we talk about over-identification, if you take a look in terms of the school districts across Tennessee and ask, what percentage of the schools are identified as special needs, and you start talking 20, 21, 22, 25 percent. One out of every five kids are disabled. One out of every four kids are disabled. Is it the water? Is it the mountains? Is it genetics? What is it that we are talking about?

If you take a look in terms of the language within the law, significantly . . . those are lawyer terms, all right? What does significantly mean? Adverse effect. What does adverse effect mean? There is more and more pressure to expand disability definitions. There is more and more pressure to expand ADD, for example. The pressure was there to

make it a category in and of itself in terms of dealing with that. So there is lots of pressure in terms of expanding definitions in order to get into the special ed umbrella.

Those are the types of issues, I think, yes, sir you have to deal with. Deals in terms of providing training, making sure that the universities and colleges are providing training. Ms. McGarrity developed a program termed Special Ed Institute. No matter, any special ed teacher coming into Knox County will go through five days of core training, irrespective of what university of college they come out of, that we work with those teachers.

So training is one huge impact. Working with regular ed is another impact. The law says that regular ed teachers must be involved in the IDTP process. No problem with that, except we have to also deal in terms of training regular ed and how to work with the special needs children. But when you get in terms of the terminology, when you make generic local-type terms that significantly and adversely effects, that is where you open doors for being able to come in for abuse.

Dr. Fisher mentioned earlier about mediation in response to a question you had asked. We have had that situation already where an attorney comes in, applies for mediation and due process in the same day. Comes back in at that point and says we are not going to mediation, and the due process hearing officer says, yes, we are going to mediation. And then the attorney uses that to say, okay, now I have court-appointed mediation and therefore I am qualified for attorney's fees. So those types of things, you know, is what opens it up in terms of the abuse-type issue.

Mr. Hilleary. Thank you.

That is all the questions I had, and I appreciate you all coming so much. And for the students in the back, I hope that you all . . . any time you are flipping through TV and you happen to come across CSPAN at night and you see a hearing going on or a committee hearing, you will know it is kind of the same thing, only we brought it to Gibbs High School today.

Thank you all for your hospitality.

Teacher (audience member): Would you please reintroduce yourself to my students so they will know who they heard from?

Mr. Hilleary. Well, if you all go to school here, I am your Congressman. My name is Van Hilleary. I represent you in Washington, and this is Chairman Bill Goodling. He is a representative from Pennsylvania, and he is the Chairman of the House Education and Workforce Committee, and I sit on that committee as well. And so we are having a field hearing of that committee, and the Chairman graciously agreed to do that. In Washington, the Chairman is the boss. So I thank you all for being here. Thank you for your hospitality.

Chairman Goodling. Let me correct that. When Congressman Hilleary says jump, I ask how high.

[Laughter.]

Chairman Goodling. I, too, want to thank the school district and the school for allowing us to use your facilities today. My hope is that as we increase the amount of money that we can get back to the state and the local school district, that it will help you provide a better education for all students. I must use a personal example again, because hopefully you may be able to tie into something that Baltimore is doing. I do not represent Baltimore, but my wife, this year now, has tried something new, and she is going through a training period, and the organization, I think, is called CARE. It is a private group who Baltimore City has employed, and she is going through a training period. And she will be doing a lot of the clerical work and the record work and so on to relieve the teacher who is in the classroom trying to teach. I think it will drive her up the wall, but that is another issue. But she must pass a test at the end of this week in order to be able to do that. So I do not know whether she will be successful or not. But hopefully additional money would help do things of that nature so that that classroom teacher does have a greater opportunity to teach rather than get involved hours and hours and hours with IEPs and so on. But I do appreciate the opportunity to come down, and as I said to the students, this is the way the laws are written, and like anybody else, he who speaks the loudest probably gets the most into the legislation. That is why I said initially, I think in the last negotiation, teachers and administrators were not quite as forceful as advocates were, and so if we did not come up with the perfect program, I will say that is the excuse, that is the reason.

But working together from day one, parents' advocacy groups and educators is so important. Trying to stop the adversarial relationship is, of course, what we are trying to do. Hopefully as time goes on, you will see that some of the changes will help, hopefully the re-authorization next year, taking into consideration everything you have said, and what people are saying all over the country will make a difference.

As Chairman, I have tried to emphasize two things. In fact, members of the committee are so tired of hearing it. And when they dedicated or unveiled my portrait recently, we had a saying that Chairman Perkins always had a whistle with his voice. A wonderful gentleman who was chairman and I was on that committee.

After he died, and now that I am chairman, and those that were chairman before me, whenever the wind blows behind us, you can hear whistling through the windows, and we always say that is Chairman Perkins, either agreeing or disagreeing with what it is we are doing. And I told them that I hope my portrait is done in such a manner that the mouth will go open and shut every time they are by deliberating saying, "we are not interested in process, we are interested in results." And that is what I want them to know over and over again. It is not the process, it is the results. And the results will mean that society in the 21st Century in the United States can continue, but we will not continue if we have to keep voting on bringing in people from other countries year after year after year to do the $40, $50, $60,000 jobs that are out there.

The next vote that we will have to cast will probably allow another $200,000 each year for three years to come into this country to fill the high-tech jobs that we cannot seem to fill. And yet we have millions of people out there who are not climbing the ladder of success here in our own country. So our whole hope is results, not process, and I hope you will keep saying that after I go out to pasture.

67-586 - 00 - 3

Thank you again for your willingness to come and testify. If you have anything else that you want to add, make sure that you get your information to Alex or you get your information to Krisann, because it is important that as you put the record together, and as they study the record then next year to make the changes that needs to be made, they will probably there. I do not know where you stand in term limits, but this is why I always say term limits are crazy because, in term limits, the only people that would have any idea as to how the legislation was written and what the purpose was are these people who are unelected. But they stay, and the people with the knowledge are gone.

So again, get your information to either one of them so that you can make sure you have a good re-authorization next year and straighten out all the problems that we did not straighten out in my 26 years.

Mr. Hilleary. Are we dismissed?

Chairman Goodling. We are dismissed.

Mr. Hilleary. Thank you.

[Whereupon, at 2:54 p.m., the Committee was adjourned.]

Appendix A-The Written Statement Of Bill Goodling, Chairman, Committee On Education And The Workforce, Washington, DC

OPENING STATEMENT OF
REP. BILL GOODLING (R-PA), CHAIRMAN

HEARING ON THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

CORRYTON (KNOXVILLE), TENNESSEE

August 24, 2000

1:00 PM

Good afternoon and thank you to everyone here for joining us today. Today, we will examine several issues within the Individuals with Disabilities Education Act (IDEA).

I am pleased to join Congressman Van Hilleary in his district today. Congressman Hilleary is a very valuable member of the Education and the Workforce Committee, which I chair. I am pleased he shares my interest in IDEA, and I especially want to thank him for joining with me in co-sponsoring bills to increase funding for IDEA. He is a real advocate for IDEA.

Congress first authorized IDEA in 1975 as the Education for All Handicapped Children Act. As you may know, in 1990 the law was renamed the Individuals with Disabilities Education Act. IDEA was created to assist states and local school districts with the excess costs of educating students with disabilities.

I believe strongly in the goal of IDEA – that every child should have the opportunity to receive a quality education. I know that teachers and school administrators support this goal. However, I also understand that schools need additional funds to make this goal a reality. To this end, I have fought to increase funding for IDEA during my time in Congress.

From the time the Republicans took control of Congress in 1995, we have seen the most dramatic increases in the federal funding for IDEA since its creation. The federal share of funding for IDEA has risen from roughly seven percent of the national average per pupil expenditure to 13 percent of the national average per pupil expenditure. I am proud of our efforts toward increasing IDEA funding.

Of course, I realize that we still have a long way to go to reach the federal government's promise to provide funding to states and local schools in the amount of 40 percent of the national average per pupil expenditure.

When talking with constituents, we in Congress often hear of other concerns about IDEA, including how IDEA impacts the ability of school personnel to discipline students with disabilities. This is a difficult issue.

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We must find a way to insure that all children are held accountable for their behavior. For children with disabilities who misbehave, we must take into account the child's disability in deciding on appropriate discipline.

I believe one way to help children with disabilities avoid behavior problems while at school is to develop an appropriate education and related services plan for the child. In the 1997 amendments to IDEA, Congress considered this issue. When a child with a disability has a history of behavior problems, the Individualized Education Program, or IEP, for that child should include appropriate behavior modification and intervention strategies designed to help the child learn to control his or her behavior. For instance, if we anticipate that a child will misbehave when he experiences a certain situation, the IEP should be developed to help that child avoid that situation. It should include behavior intervention strategies that will help him learn how to control his behavior in that situation.

Additionally, the law now requires a review of the IEP for a child experiencing behavior problems at school. We ask that schools review the IEP to make sure that the educational and behavior plan is appropriate for the student. I believe that these preventative practices are the best ways to help students learn appropriate behaviors.

As any teacher will tell you, and I know this from my many years as an educator and from my wife, who has taught special needs students, if we keep children occupied in interesting, challenging educational activities, they will not have sufficient time or interest to misbehave. The IDEA amendments of 1997 rewrote the IEP to make it a results oriented document. The IEP no longer focuses on the process the teacher will use to teach a child. It focuses on what the child will learn and what the child will be able to accomplish by the end of the school year. This change ensures that parents and teachers are developing IEPs that are educationally challenging to students – and in the process keeping the students occupied with learning, instead of troublemaking.

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I am pleased with the increases in federal funding and I believe we will find a workable solution to the question of how to appropriately discipline students with disabilities, however, I do not believe these goals will finally be accomplished until we solve the issue of over-identification of students as being in need of IDEA services. Over-identification brings students into the special education system who should not be there. What these students really need, for instance, is appropriate reading instruction or a more structured classroom so that they can control problem behavior. I understand that special education can provide a quick fix for a student's immediate need, but I fear that special education will become a lifetime label that could have been avoided with better teaching initially. Additionally, we will never be able to provide enough funding until we limit the identification of IDEA eligible students to those students truly in need of special services.

Time has quickly passed since the 1997 amendments to IDEA, and in the coming year several provisions in IDEA will again be up for review. Today's hearing is helpful to the Committee's understanding of how local schools are implementing the law and how the law is affecting students, parents, and school personnel. I would again like to thank Congressman Hilleary for hosting today's hearing and for his work on bringing issues within IDEA to the Committee's attention. I look forward to listening to all of the witness's comments and learning from their experiences.

Appendix B-The Written Statement Of Dr. Vernon Coffey, Commissioner, Tennessee Department Of Education, Nashville, Tennessee

Committee on Education and the Workforce Congressional Hearing on IDEA Gibbs High School, Corryton, TN August 24, 2000

Written testimony from Vernon Coffey Commissioner of Education, State of Tennessee

To Chairman Bill Goodling, Congressman Van Hilleary, and other members of the Hearing Committee on Education and the Workforce. I want to thank you for the opportunity for allowing me to speak to you regarding successes and problems regarding the implementation of the Individuals with Disabilities Education Act (IDEA), 1997 in Tennessee Schools.

As Commissioner of the Tennessee Department of Education, I have had the opportunity to meet with educators, parents and advocacy representatives and to listen to their concerns as they relate to the IDEA.

- Schools throughout Tennessee have experienced success as it relates to school safety and we in the Department have taken a proactive approach in dealing with the issue of behavior. Recognizing that prevention of behavior problems is a valuable tool in the education of all children has been the steering force of the Behavior Consultants within the Department since reauthorization. Staff have stressed to local education agencies, teachers, administrators and parents that a proactive approach will greatly reduce the occurrence of inappropriate and disruptive behavior and ultimately improve overall school safety.

- Through the State Improvement Plan, and its goal to provide safe, disciplined environments in which all children have access to a full and appropriate education, State staff have provided LEAs training and onsite technical assistance in Positive Behavior Support Strategies including the following areas:

  1) School-wide programs involving positive behavior supports. These programs include all children and staff, and create an environment of support and positive feeling. School-wide programs have been presented at state sponsored conferences, LEA inservices, and to individual systems.

2) Individual supports at each school where technical assistance is provided and positive behavior supports have been introduced to faculty for intervention purposes. In this way, not only are individual children addressed, but also entire classes can be supported.

3) Positive, not punitive, relationships between teachers and students, and between administration and students, have been stressed. State consultants have introduced the findings of research and behavioral experts to schools to convince them that punishment is not the same as discipline. Getting students to behave well because they want to is a more powerful tool than forcing them to behave well.

- The use of Functional Behavior Assessments (FBA) as required under IDEA '97 can assist schools build positive behavior support programs, and has been emphasized as valuable and needed. By changing environments and systems, schools can help change behavior patterns in their students. State consultants have aided LEA's in teaching school teams to conduct FBA's and thus acquire the knowledge to build positive support systems.

- In the reauthorization of 1997, Congress recognized that in certain instances school districts needed increased flexibility to deal with discipline issues related to children with disabilities. However, school administrators statewide are perplexed with the double standard when it comes to disciplining children with disabilities. Providing continued services to a child with a disability removed from school when the behavior is **not a manifestation** of the disability is difficult to explain to parents of children not receiving special education and to educators as well.

- Funding Issue

  Initially, when the special education laws were passed, Congress promised to fund Special Education at 40% level. To date, special education is only funded at about 12%. Should Congress provide funding to States as promised, the level of services to children with disabilities would increase significantly and lessen the burden of the state and local education agencies.

- State Improvement Grants Program

  Partnership Service Agreements, negotiated in 1999 by the Department with eleven (11) LEAs across the State, support school based efforts for development of personnel and school-based planning for improvement in programs and services for all children, including children with disabilities. Given the federal and state emphasis on school-based decision making, the

State through these partnerships, has tried to assist in expanding and strengthening the opportunities for school personnel to acquire the related knowledge and skills, and to support local school efforts to implement promising research based initiatives.

It is through the implementation services plans developed through these partnerships that the State proposes to expand access to effective, research-based practices and strategies, and is the reason for the State's response to the request for proposals for the State Program Improvement Grant.

For the past two years the Tennessee Department of Education has responded to the request for proposal for a (SIG) without success. Many stakeholders from across the state were involved in the planning and a considerable number of hours were devoted to this process. The funding for state level SIG's are funds that are under the Part D of the IDEA and include the required comprehensive system of personnel development. States that did not get approved for a grant were told that there was a minimal amount of funds available under Part D to support these systems change activities. Therefore, if the U.S. Department of Education and or Congress expects states to fully implement IDEA, funds must be provided to ensure quality services are provided.

We strongly recommend consideration by the U.S. Office of Education and the Congress of the United States to expand the support to States that continue to be unsuccessful in attempts to develop a State Improvement Grant proposal that will meet the review panel scrutiny. The premise that only a selected few states can be supported through IDEA, Part D State Improvement Grant funding is unacceptable.

In Tennessee we have tried to fulfill our responsibility to ensure that IDEA is implemented in programs and services throughout the State. We support the purpose of this law *to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.*

Any assistance you can provide:

To assist States, and local education agencies, and Federal agencies to provide for education of all children with disabilities; and

To assess and ensure the effectiveness of efforts to educate children with disabilities.

is greatly appreciated. Thank you again for the opportunity to discuss the implementation of IDEA in Tennessee.

Submitted by:

Dr. Vernon Coffey,
Commission of Education
August 24, 2000
Corryton, Tennessee

Vernon Coffey, Commissioner
Tennessee Department of Education

Dr. Vernon Coffey, with 28 years experience in public education, was appointed as Commissioner of Education by Governor Don Sundquist in July 1999.

Coffey began his career in education as a high school teacher in Rogersville, Tennessee. He was appointed principal of Rutledge High School in Grainger County in 1978. He became an instructional supervisor for the system in 1979 and was elected superintendent of schools in 1980. He left the superintendency in 1995 to become Deputy Commissioner of Education for the State of Tennessee. In April of 1996 he returned to Knoxville as Regional Director for the East Tennessee office.

He has served on the Board of Directors for the Tennessee Organization of School Superintendents, the Tennessee Small Schools Systems, and the Lakeway Center for the Handicapped. He has been an active member of the JTPA Private Industry Council, the Superintendents Study Council, the Superintendents Task Force on High School Dropouts, the American Association of School Administrators, the Tennessee Association for Supervision and Curriculum Development, and the Tennessee Association for School Supervision and Administration.

Coffey received his doctorate in educational administration and supervision from East Tennessee State University in 1992.

His wife, Virginia, teaches at Rutledge High School. They have two children and two grandchildren.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name:		
1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee).	Yes x	No
2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1997: Federal 102,000,000 1999-2000		
3. Will you be representing an entity other than a Government entity?	Yes	No x
4. Other than yourself, please list what entity or entities you will be representing:		
5. Please list any offices or elected positions held or briefly describe your representational capacity with each of the entities you listed in response to question 4:		
6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1997, including the source and amount of each grant or contract:		
7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing?	Yes	No

Signature: E. Thomas Coffman Date: 8/22/00

Please attach this sheet to your written testimony.

Appendix C-The Written Statement Of Jamie Hagood, State Representative, Knoxville, Tennessee

Testimony of State Representative Jamie Hagood
Committee on Education and the Workforce
August 24, 2000
Knoxville, Tennessee

It is a great pleasure to have the opportunity to testify before you this afternoon. On behalf of the individuals I represent, as well as my colleagues I serve with in the state legislature, I thank you for taking your valuable time to revisit the issue of the IDEA. This is an issue of great importance to so many educators, parents and children across the state of Tennessee.

You will be hearing from individuals today who are literally on the front lines of educating our children. Administrators, Teachers and Parents. These individuals are deeply involved with the intricacies of the law. My concerns reflect the sentiment of the countless individuals who have expressed to me great frustration with certain aspects of the current law, particularly in the areas of funding and discipline.

IDEA has gone along way toward accomplishing its goal of including children with disabilities in the general education program and curriculum. The problems lie in managing duties effectively to provide appropriate services for all students.

IDEA has resulted in an over 20 year period of un-funded mandates. Chairman Goodling has worked tirelessly for full-funding of the IDEA. I am also aware that since 1995, funding for IDEA has increased over 85% and absolutely demonstrates your commitment to help us on the state and local level to provide free, appropriate public education to children with disabilities.

The Promise:

In 1975, school systems were promised 40% of the average per pupil expenditure to assist states and local schools with the added cost of programs and services required by the law. Over twenty years later, systems receive 10-12% of the funding required to support the programs.

Let me encourage you to keep fighting for full funding of the IDEA. Nothing can support your efforts better than a glimpse at the reality of the under-funded resource, time and staff pressures that the IDEA places upon education communities.

The Reality:

The increased emphasis on accountability requires extensive documentation.

-A typical IEP (Individual Education Program) team meeting will last at least an hour and a half and may go as long as two hours.

-Initial IEP meetings or re-evaluation meetings generally last 2-3 hours.

-Schools typically convene School Support Team meetings (S-team) on a weekly basis which involve a regular education teacher, special education teacher, and often a principal. These meetings take approximately ½ day.

-Development of a Behavior Support Plan takes approximately 30 – 50 minutes. A Behavior Support Plan is based on information obtained in the Functional Behavior Assessment.

-Systems have had to develop a procedures, train staff and implement the Functional Behavior Assessment and Behavior Support Plan process.

-A special education teacher may have a caseload of 25-40 students. Each student must have at least two meetings per year. Some cases require monthly meetings.

This is an incomplete listing of the amount of time and resources dedicated to providing these services for the child. It does not include the extensive notice process, additional staff assigned solely to disciplinary matters or many of the time consuming coordinating of schedules used to accomplish a successful meeting.

As you can see, if a local school district spends an average of 20% of their budget on special education services, a large portion will go to cover the unpaid Federal share of the mandate.

Regarding discipline, the addition of discipline to IDEA '97 has mandated a dual discipline system. This becomes apparent in situations involving exclusion from school beyond 10 days. In order to safeguard the rights of the students with disabilities, the IEP team must determine if the event was a "manifestation of the disability" before a disciplinary hearing takes place.

When several students are involved in an event at school, there are two separate procedures-One for those who are special education, and a different procedure for those who are not. As you can imagine this creates an enormous amount of frustration for parents, students and school officials alike. The non-special education students have often been through the disciplinary hearing and received disciplinary action before the special education students are addressed. This raises not only a question of fairness, but also a question of the lack of timely consequences to a student's inappropriate behavior.

Further, disciplinary protection under IDEA should only be provided when it is not related to the disability. If the action is not related to the disability, a student should not be considered special education for disciplinary purposes.

In conclusion. The IDEA has come a long way towards accomplishing its goal of including children with disabilities in the general education program and curriculum. However, fulfilling the promises of 1975 to fully fund and correcting the dual-discipline mandate would contribute greatly in the role of managing of duties to effectively provide appropriate services for students.

Thank you for your valuable time.

Appendix D-The Written Statement Of Dr. Charles Lindsey, Superintendent, Knox County Schools, Knoxville, Tennessee

WRITTEN TESTIMONY

Dr. Charles Q. Lindsey, Ed.D.

Superintendent

Knox County Schools

8/24/00

Topic I

Usage of Federal Monies

The school district appreciates the Federal funds that it receives through the State for Part B and Part C usage. As with most funding issues, there just doesn't seem to be enough funds to accomplish the things educators would like to do for children. Knox County has been fortunate in that it has been able to maintain a level of local monies so that we could use Federal dollars to supply teaching assistants in classrooms. We would not have been able to have these teaching assistants using local and State monies. In addition to the teaching assistants, Knox County has been able to use its Federal monies as seed dollars to build programs for students. As little as five years ago, Knox County developed an evaluation process using not only school psychologists but also clinical psychologists to evaluate students suspected of being seriously emotionally disturbed. Prior to using this process the number of SED children identified was growing at an ever-accelerating rate. Table I is an illustration of the growth of SED students from 1990 to the introduction of the clinical team approach in 1995 and from that time period to date.

TABLE I

Identification of SED Children in Knox County 1990-2000

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
156	252	275	324	421	503	496	446	382	367	406

The data clearly show that from 1990 to 1995 there was a growth of 222% in this category; while from the introduction of the clinical team in 1995 to 2000 there was a decrease of 19% in this category.

In addition to the seed money approach and the teaching assistants, Knox County has been able to purchase a computer and color printer for each special education teacher's classroom. That has made a real difference. Specific skill reinforcement, higher order thinking skills and guided practice has had a very positive impact on student learning. We have also been able to use Federal monies from the State to train our teachers and teaching assistants in a variety of program areas such as autism, behavioral interventions, therapeutic crisis intervention techniques and instructional programs. We've developed a special education teacher's storeroom stocked with materials that can be accessed more quickly than ordering individually by teachers. The storeroom process allows us to order cost effectively in quantities, save the teacher's time, and make more materials available for the money. Our training program is second to none in Tennessee, and we have consistently led the way in bringing nationally known experts into our district to train our staff. We offer at a considerably reduced cost, training slots to other school districts in areas such as autism training, Picture Exchange Communication System (PECS) and

discipline workshops. We purchased a wide variety of individualized teaching materials to attempt to address the individual needs of our disabled students.

As late as last year the State Department of Education did an extensive monitoring evaluation of Knox County Schools Special Education Department. Do you know what they said? The state monitors said, "We were a model special ed. department and the very best in the state." If monies were available in a grant format, we would be willing to partner with higher education and regular education to develop a seamless curriculum for special needs children that mirrors the regular educational curricular goals and objectives. We would like for the "special" in our title to merge with regular education so that we are all working together for the needs of the child.

Topic II

Areas of Concern in Discipline

The most publicized and sometimes most litigated area of special education is discipline. Until the IDEA '97 reauthorization, discipline was not mentioned either in the law or the regulations. The new language has created both positives and negatives, depending which vantage point you choose. There is no question that the dual discipline system is viewed as a considerable burden to school districts and that to parents of regular education students it seems unfair. There is no question that the procedures outlined in the law, and the regulations allow considerable abuse by those choosing to manipulate the system. The

regulations, time frames, procedures, all allow the system to be abused until it is almost impossible to effectively discipline disabled students if an attorney or advocate is bent on manipulating the system. First, let me be very clear. No one wishes to punish or discipline a special needs or any other child who cannot help violating school or societal rules. The problem is that the burden of proof that a special needs child can follow rules and regulations and understand the consequences of his/her actions, is placed upon a school system that is already overburdened with paper work and legal documentation. When a child commits an offense, the procedural safeguards must be tested at each step and for every person who comes in contact with the process. Abuse is available at every step.

To address the attack and abuse, I offer the lone question that is often posed or stated. If the child's IEP were appropriate and the services were being offered, then the child would not be violating school rules. This is a truly noble, yet idealistic approach; however, one that is presented as a defense almost daily by those who wish to attack the school system. We have children who commit acts such as drugs or weapons in school settings that may take as long as a year to go through the procedural issues before discipline can be effected. Most of us would consider this inexcusable. After a year's time, the student has no connection of the cause and effect of the disciplinary action. I implore you to realize that it is not the student with a pervasive disability that creates the majority of the behavioral issues in schools. It is the minimally identified student who for the most part creates the behavioral dilemma. A child who has a learning disability in written expression and who brings marijuana to school has taken almost a year to address the drug issue because of the parent's use of the procedural safeguards. We must be able to streamline and reduce the

paperwork, or we will continue to lose educators from the field of special education simply because of burnout. We have had students who have pulled their attorney's cards from their pocket and told teachers that the teachers cannot do anything to them because they're special education. As recently as last year we have had students blatantly smoke cigarettes and marijuana in school halls and almost dare you to do anything to them. Can we continue the abuse to the process and have safe schools? I think not. We must protect students who truly are disabled and cannot control their behavioral issues and not allow the others to abuse an already laborious and over-litigated process.

In 1986, legislation gave attorneys the right to represent parents and to receive their fees from the school district if the parent were found to be the prevailing party. What has occurred is a shotgun approach to disputes and an adversarial process that creates emotional harm both to the parents as well as to the school system. Talk to teachers who have been at IEP team meetings with attorneys present and ask the teachers if they went into teaching to experience the abuse and fear. Look at the level of litigation prior to 1986 and since 1986 and you will find tremendous growth to the point that IDEA is the most litigated education law in existence. You fund advocacy groups who have attorneys as their employees. Surely, if an attorney is needed for advice, then these advocacy groups that are already funded should be able to provide the necessary expertise and advice. Let's make IDEA work the way the drafters of the original bill envisioned it in 1975. The drafters saw a team of parents and educators working together to provide programming for students. Take away the ever present specter of "what did I do wrong" for the teacher who must worry more about the dates and signatures on forms than what he or she is trying to teach

the child. Remove the attorneys from the process until it goes to court and require that it be funneled through one of the advocacy groups instead of "ambulance chasing."

Finally let me talk about funding. When IDEA was first enacted in 1976 the promise from Washington was to pay 40 percent of the cost. More than a quarter century later, the best the federal government has ever done is fund 13 percent, even though everyone says there is a budget surplus. Representative Hilleary, let me pause and personally say that "I appreciate you taking such a strong stand on fully funding IDEA." If the federal government funded its share, which is still less than half of the cost even though you set 100 percent of the rules, it would have a huge impact on what we offer all our children. If you used the budget "surplus" to pay what you have already promised it would free up more than 7 million local dollars.

- It would mean Gibbs High School could have a distance learning center to access courses.
- It would mean we could have art education in every elementary school in Knox County... all 51. We wanted to start it this year, but the money wasn't available.
- It would mean we could begin putting foreign language instructors at elementary schools.
- It would mean we could pilot a "Birth to Kindergarten" program to reach children earlier.

- It would mean we could positively affect thousands of children all across Knox County. All it would take is for congress to do what most of us always do... pay our bills and keep our promises.

Again, we appreciate the opportunity to speak to you and to present in this forum. If you have any questions I have with me, Ms. Bobbi McGarity, Assistant Superintendent of Supplementary Services and Dr. John McCook, Director of Pupil Personnel for our district.

Charles Lindsey

Dr. Charles Lindsey has been Superintendent of Knox County Schools since July, 1999. Previously, he has served as an appointed Superintendent of Dorchester District Two School System in Summerville, S.C., the Clarksville-Montgomery County Schools in Clarksville, Tennessee, and as an elected Superintendent in Catoosa County, GA.

His career in education has been varied having served, as a kindergarten teacher, a math and science teacher, a principal, and a school board member.

Dr. Lindsey received his Bachelor's Degree from Southern College and his Master's and Doctorate in Education and Administration from the University of Tennessee. He was the 1993 Tennessee Superintendent of the Year.

Committee on Education and the Workforce

Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Dr. Charles Lindsey		
1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee).	Yes x	No
2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1997: Not applicable		
3. Will you be representing an entity other than a Government entity?	Yes	No x
4. Other than yourself, please list what entity or entities you will be representing: Knox County Schools		
5. Please list any offices or elected positions held or briefly describe your representational capacity with each of the entities you listed in response to question 4: Superintendent of Schools Knox County Schools		
6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1997, including the source and amount of each grant or contract: See Attachment 1		
7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing?	Yes	No x

Signature: _____ Date: 8/22/00

Please attach this sheet to your written testimony.

Attachment I

Federal Grants
Received by Knox County Schools
since October 1, 1997

Description	CFDA #	source	amount
USDA School Breakfast Program	10.553	US Department of Agriculture	1,160,844 year ended June 30, 1998 1,224,859 year ended June 30, 1999 1,230,000 year ended June 30, 2000 estimated
USDA School Lunch Program	10.553	US Department of Agriculture	4,194,229 year ended June 30, 1998 4,332,680 year ended June 30, 1999 4,330,000 year ended June 30, 2000 estimated
Child & Adult Care Food Programs	10.558	US Department of Agriculture	192,256 year ended June 30, 1998 193,113 year ended June 30, 1999 year ended June 30, 2000 estimated
Nutrition Education & Training	10.564	US Department of Agriculture	16,711 year ended June 30, 1998 12,492 year ended June 30, 1999 0 year ended June 30, 2000
Job Training Partnership Act	17.25	US Department of Labor	69,103 year ended June 30, 1998 0 year ended June 30, 1999 0 year ended June 30, 2000
Adult Basic Education	84.002	US Department of Education	443,157 year ended June 30, 1998 320,371 year ended June 30, 1999 424,145 year ended June 30, 2000 estimated
ESEA Chapter I Title I	84.01	US Department of Education	6,338,681 year ended June 30, 1998 6,008,415 year ended June 30, 1999 6,480,824 year ended June 30, 2000 estimated
IDEA Part B	84.027	US Department of Education	4,776,222 year ended June 30, 1998 3,812,563 year ended June 30, 1999 4,225,452 year ended June 30, 2000 estimated
Carl Perkins	84.048	US Department of Education	845,304 year ended June 30, 1998 708,288 year ended June 30, 1999 904,795 year ended June 30, 2000 estimated
Elementary Diagnostic Classroom Pilot	84.027	US Department of Education	0 year ended June 30, 1998 109,768 year ended June 30, 1999 100,000 year ended June 30, 2000 estimated
Case Manager	84.126	US Department of Education	62,727 year ended June 30, 1998 60,291 year ended June 30, 1999 67,398 year ended June 30, 2000 estimated

Preschool	84.048	US Department of Education	268,483 year ended June 30, 1998 345,247 year ended June 30, 1999 368,364 year ended June 30, 2000 estimated
Drug Free	84.186	US Department of Education	656,006 year ended June 30, 1998 425,582 year ended June 30, 1999 245,573 year ended June 30, 2000 estimated
English as a Second Language	84.194	US Department of Education	8,469 year ended June 30, 1998 0 year ended June 30, 1999 0 year ended June 30, 2000 estimated
Homeless Education	84.196	US Department of Education	68,973 year ended June 30, 1998 61,441 year ended June 30, 1999 71,000 year ended June 30, 2000 estimated
Tech Prep	84.243	US Department of Education	25,942 year ended June 30, 1998 24,713 year ended June 30, 1999 28,100 year ended June 30, 2000 estimated
Goals 2000	84.276	US Department of Education	419,619 year ended June 30, 1998 236,263 year ended June 30, 1999 178,905 year ended June 30, 2000 estimated
ESEA Title II Math and Science	84.281	US Department of Education	231,485 year ended June 30, 1998 214,252 year ended June 30, 1999 324,109 year ended June 30, 2000 estimated
Title IV	84.298	US Department of Education	261,685 year ended June 30, 1998 301,598 year ended June 30, 1999 330,408 year ended June 30, 2000 estimated
Class Size Reduction		US Department of Education	0 year ended June 30, 1998 0 year ended June 30, 1999 1,115,066 year ended June 30, 2000 estimated
Technology Literacy	84.303	US Department of Education	197,081 year ended June 30, 1998 849,904 year ended June 30, 1999 0 year ended June 30, 2000 estimated
Technology Literacy	84.318	US Department of Education	0 year ended June 30, 1998 0 year ended June 30, 1999 123,745 year ended June 30, 2000 estimated
Families First	93.561	US Department of Human Services	408,065 year ended June 30, 1998 429,719 year ended June 30, 1999 0 year ended June 30, 2000 estimated
Learn and Serve America	94.004	US Department of Education	2,969 year ended June 30, 1998 0 year ended June 30, 1999 0 year ended June 30, 2000 estimated

Appendix E-The Written Statement Of Jamie Baird, Teacher, Jacksboro Middle School, Jacksboro, Tennessee

Baird

I teach in a public school system in Tennessee. I have taught in the same system for fifteen years, and have found that each year teaching becomes increasingly difficult for me. Last year I was confronted with a child who has Central Auditory Processing Disorder, (which I find best described as a short circuit in a light - you plug the switch in and sometimes the light comes on, but sometimes it just flickers). This was a disability that I had never heard of, nor was I trained for or qualified to teach. Based on this occurence, I hope to make three points today, the first of which is teacher qualification with the IDEA. The second point is fairness to all students, and the third and final point is the discrepency in the disciplining of all children. It was a struggle last year for me to begin to teach without the knowledge I needed in this particular situation. I studied ideas on how to teach disabled children, and I struggled to find ways to help this child without slighting my other seventeen children.

I have two degrees, one in Sociology, and the other in Elementary Education, neither of which prepared me for the battle I began with this child. I have talked with other teachers and they too feel we are just not qualified for the mainstreaming we are instructed to perform.

Some student disabilities require a full time aide with a child; however CAPD does not. Although we had no aide, the child made some progress with one on one instruction, and I tutored him after school two days a week. I tried a number of ways to teach him to read: sandpaper letters, head phones, repetitve reading, and word card associations, to name a few. At the end of the year he probably knew fifteen of the two hundred words taught in first grade. The frustration involved was mutual between the child and myself.

He knew he was different, and the rest of the children did also. I tried in the regular classroom to make him feel a part, but it was very hard when all of children knew the situation taking place.

I decided to have him tested at school to see if he qualified for special services. He fell right through the crack because of the sixteen point discrepency between his achievement score and his I.Q. I decided to put him on the 504 plan, (this focuses on discrimination based on disability) so he could receive some relief from the strain that reading put on him. I don't always agree with the 504 plan because it is oftentimes misused when

testing fails. At this point I ran into the problem of why this child gets the same grades as the other children who do more work. This did not come from parents, but from the children in the classroom who sat by the child or who are the child's friends. Was this method of evaluation fair to normal children as well and disabled children?

Discipline was not a problem with this child at the time. But what if it does become a problem in the future? He may be disabled, but he understood consequences and was very successful with technical problems.

I do not have the answers for all of the IDEA problems, but I would like to find them, even if disability classrooms replace mainstreaming.

My question after I have thought about all of this is "Are we being fair to everybody?" However, do not get me wrong, I do feel that disabled as well as disturbed children should be educated to the maximum of their potential. I do not feel mainstreaming is the answer in every situation because teachers are not qualified. It is not a fair situation for any child, and discipline should fit a wrong-doing not a disability.

PERSONAL INFORMATION: Please provide the committee with a copy of your resume (or a curriculum vitae) or just answer the following questions:

a. Please list any employment, occupation, or work related experiences, and education or training which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

I have a Masters Degree in Elementary Education

and have taught in the publuc school system for fifteen years.

b. Please provide any other information you wish to convey to the Committee which might aid the members of the Committee to understand better the context of your testimony:

I work one on one with a special needs child in a regular

classroom of eighteen children. I am not certified nor do I feel

I am qualified to teach special education.

Please attach to your written testimony.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Jamie R. Baird

	Yes	No
1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee).		✓

2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1997: None

I am a members of Rensaks Board of Directors and we did apply for and receive HUD grants.

	Yes	No
3. Will you be representing an entity other than a Government entity?		✓

4. Other than yourself, please list what entity or entities you will be representing:

None

5. Please list any offices or elected positions held or briefly describe your representational capacity with each of the entities you listed in response to question 4:

None

I am representing myself – I do serve on Rensaks board and teach in Campbell Co. School System, but I was asked to do this individually.

6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1997, including the source and amount of each grant or contract:

None

	Yes	No
7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing?		✓

Signature: Jamie R. Baird Date: 8-21-06

Please attach this sheet to your written testimony.

Appendix F-The Written Statement Of Angie Irick, Mother Of 10-Year-Old Student, Knoxville, Tennessee

Committee On Education And The Workforce Hearing
August 24, 2000
Testimony Of Angie Irick

It will not take you long to realize I am not from Washington, that I am not employed by the local or state education system, or that I know very little about legislation and law. However, I would like you to know I am a career student. So far I have a bachelors in mothering, a masters in special needs parenting, and a Ph.D. in wading through the paper work of the special education system. Classes I have completed so far include: Anxiety 101, Advanced Stress Management and Contemporary Wallpapering with copies of "Rights of Children with Disabilities" I have received at IEP reviews.

Today we are here to focus on the children of our community and state that wear the special education badge. My child wears such a badge because of his blindness and developmental delays. To define special education you must first define regular or "normal" education. It is my observation that our society defines "normal" as the capability level the majority of our population is functioning at. Capability level of persons with sensory, mobility, cognitive or emotional limitations many times fall below the majority of our population in direct correlation to insufficient training and education. In order for special needs individuals to raise their level of independence our society must administer and support programming for self-sufficiency at an early age. The information I share today is a culmination of nine years in the public school system and 5 different school placements for my child. Through these years I have witnessed or become aware of experiences from educational staff or parents in relation to special needs children within the public school setting. We have had our share of struggles within the special education realm, but fortunately behavior has not been an extensive issue for us. We have been able to develop positive relationships and placements for our child due greatly in part to the IDEA requirements and standards.

I believe that education, like charity, begins at home. By my actions and my expectations I will influence my child's attitudes and behaviors. It is human nature to take the path of least resistance and special education kids are no exception. To be an effective parent I must understand my child's condition and limitations and realize I am my child's greatest teacher. Home IS where learning begins but considering we do not live in isolated compounds we soon realize we have no idea how to help our children become the most productive member of society within their capabilities. When the reality of the future for our child materializes, parents scramble for support, encouragement, and assistance. It is usually around this period we find out about IDEA and the world of special needs support. Parents of school-age children with special needs learn that P.L. 94-142 is the law that mandates a free and appropriate education for their children from 3 to 21 years of age. They might also understand the law mandates that parents are equal partners in making educational decisions. They desire to be advocates for their child's educational needs, but soon find the special education system can be a maze of complexities. Learning what the provisions of the law are, how the system works, what services and options are available, and what the rights of the parent and child are in the special educations system can be very difficult and frustrating.

IDEA does a good job communicating to parents when their children are infants and preschoolers in preparation for the school experience. Often times children survive and often thrive in the preschool setting, due in part to the abundant staff. But what about Kindergarten and beyond. The effects of low funding, budget restrictions and staff decreases begin to trickle in and the stress levels of teachers, parents and students begin to rise. Do we need transition classes available? Do we need more aides to assist with transitioning special education children into the general education classroom? Being pro-active may reduce frustrations later.

How impressionable is a 5 year old? How about an 8 year old? In our society it is apparent our children can be taught to believe just about anything. Considering the early years are the most formative especially for special needs children, why do we spend so much time and money trying to "fit" unique children into cookie cutter molds or isolating them from their peers? Why are our schools required to accept children who have been rejected by local mental institutions? In severe behavior cases why do elementary schools not have the option of an alternative school, where these children can truly benefit from specialized instruction? Many times following years of struggling in the elementary setting, as soon as they reach middle school they have the alternative school option where they can learn at a more appropriate pace. Would our classrooms benefit by making extra staff available or extra room settings to allow these children to collect themselves and reflect on their actions? Where such rooms are offered it is often times only for 2 – 3 days per week. What should teachers do the other days?

Do we really address the needs of all students or do we allow funding to hinder our actions? Administrators and teachers many times feel options for corrective behavior are too few. Staff development classes are offered for Behavior Support Plans, but cannot be implemented correctly due to staff or aide shortage. At times only the schools special education teacher is trained and is unable to monitor classroom behavior for other teachers. Behavior Support Plans or other methods offered must be supported with resources to eliminate the perception of "looks good on paper, but impossible to implement". Perhaps we should enforce more natural consequences when behavior is determined to be unrelated to the disability. If in severe behavior cases we have teachers leaving the classroom several times a day to correct or control a child in their room or assist another teacher in doing so, who loses the most? A special education child has now been pulled from the room in front of his peers and isolated and set up for ridicule. General education children have witnessed the experience and negative conclusions surrounding special need individuals are formed not to mention the missed instruction time. Was this really the best placement?

When considering discipline issues, would children benefit from behavior specialists, not just a consultant? A professional that is specifically trained to address behaviors and work with the school and home environments. We have specialist who "live, eat, and breath" reading, math, social studies, etc., but do we have behavior professionals available on site at the building level? Would we benefit from having defiant and oppositional conditions considered under the IDEA umbrella?

The teacher is a central figure in all education. Many have little knowledge or training with regard to teaching the children of special education. Some are perhaps directly negative, others only confused and afraid, still others overlook or overprotect the student. Classroom teachers often times do not feel qualified in merging special need children into their classrooms due to lack of training or support. Some children can quickly determine that the school is running out of options for behavior support and can fluently tell administration what actions will violate their individual rights. We desperately need improved systems for determining if and when the special education system is being taken advantage of. Where do we draw the line between special education children rights and the privileges of the general education children? Both are equally important! We never want to play tug of war between the special education and general education systems or teachers and we certainly do not want our children becoming the rope.

With the many facets of special education and struggles with funding and discipline, the most promising practices such as "inclusion" are becoming harder and harder to efficiently implement and could easily be eliminated. It would be a tragedy to cease integrated classrooms where general and special education children learn side by side. Witnessing children being moved into lower functioning classes due to insufficient staffing only enhances my fears of being a parent of a special needs child. For some children this environment could promote non-value-added activities or restrictive learning experiences. Perhaps one day the general education children will work beside someone who was lucky enough to have received IDEA funds and is productive in society. Hopefully attitudes were learned during their school experience to prepare them for diversity in the workplace.

Social interaction skills have been a frustration for my family as well as recreation opportunities. For students who are capable of communicating with peers the need for social interaction is crucial. Learning for the special education child rarely is spontaneous or without great effort. If we can provide social interaction training for these children, how much more could be learned from peers verses large blocks of time spent in isolation, even if they are in a crowd. In regard to recreation, opportunities are few and far between; many times physical education teachers bounce from school to school or simply do not have the time to devote to adaptation. Recreation can be a bright moment in the stressful life of a special education child. To be accepted into a group, understand teamwork and release anxiety and stress. The benefits from physical exertion are enormous, but quite often special education children are found sitting on the side or simply "just standing there".

Many students feel bitterly isolated in school, far from feeling like one of the gang. They receive continual confirmation that they are different. We all feel the need to be part of a social community. We would like to be equal partners in a group where we may all take part and give and receive emotional support and practical help. Students do not need to be socially isolated, nor do they want to be the subject of pity, that is, regarded as inferior. We need to help them develop sound personalities where one's identity as a handicapped person is neither rejected nor becomes the overshadowing side of one's character.

Beneficial instruction must begin with accurate diagnosis. Early intervention is critical for the success of a special needs child. A personal disappointment our family has suffered is lack of appropriate evaluation processes throughout the school experience. Understanding all children are unique, we must not use general education assessment tools to determine abilities of special need children. Are special need children incorrectly diagnosis or "mis-labeled" at times? What are the ramifications of such an evaluation? What frustrations will the child experience socially, emotionally and academically?

Interpretation, interpretation, interpretation. In criminal law interpretation can mean the difference between freedom, life in prison, or death. In relation to special education programming, interpretation can mean the difference between success, life of dependency, or failure. IDEA local interpretation differs from state interpretation and state interpretation differs from national interpretation. Children are denied services, technology, or timely instruction due to interpretation discrepancies. I would like to see this issue become a priority to assist in communication of P.L. 94-142 and subsequent legislative authorizations.

We could wish for many things; that no one would need special education services; that there were enough funds, aides, well-trained and committed teachers and so on. However, we must realize that all this is in short supply. On the other hand, this must not prevent us from trying to improve environments, educational settings, and lives.

The goal, which must always be kept in sight, is independence, full participation, and equality for the handicapped where appropriate. I believe that education is a vital weapon in the fight to achieve that goal.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name: Angela Trick		
1. Will you be representing a federal, State, or local government entity? (If the answer is yes please contact the Committee).	Yes	No ✓
2. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1997: None		
3. Will you be representing an entity other than a Government entity?	Yes	No ✓
4. Other than yourself, please list what entity or entities you will be representing:		
5. Please list any offices or elected positions held or briefly describe your representational capacity with each of the entities you listed in response to question 4:		
6. Please list any federal grants or contracts (including subgrants or subcontracts) received by the entities you listed in response to question 4 since October 1, 1997, including the source and amount of each grant or contract:		
7. Are there parent organizations, subsidiaries, or partnerships to the entities you disclosed in response to question number 4 that you will not be representing?	Yes	No ✓

Signature: Angela Trick Date: 8/22/00

Please attach this sheet to your written testimony.

PERSONAL INFORMATION: Please provide the committee with a copy of your resume (or a curriculum vitae) or just answer the following questions:

a. Please list any employment, occupation, or work related experiences, and education or training which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

Parent of special education child who is currently enrolled in the public school system.

b. Please provide any other information you wish to convey to the Committee which might aid the members of the Committee to understand better the context of your testimony:

Asked to provide insight related to special needs children in the public school setting. I can only speak for myself and have not had extensive experience with behavior issues with my child.

Please attach to your written testimony.

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